

STUDENT HANDBOOK

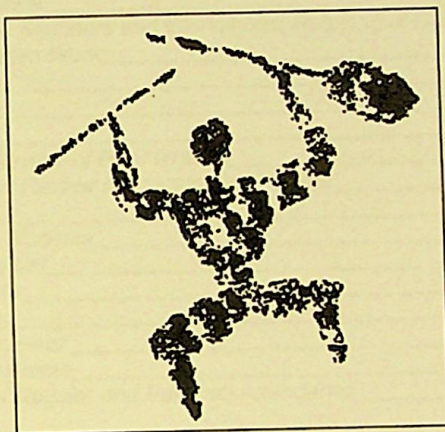


WILLIAM S. RICHARDSON SCHOOL OF LAW
UNIVERSITY OF HAWAII AT MĀNOA

UNIVERSITY OF HAWAI'I AT MĀNOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**

Office of the Chief Operating Officer
2515 Dole Street
Honolulu, HI 96822
808-956-8636
www.hawaii.edu/law



**STUDENT HANDBOOK
2008-2009**

(Students should retain this copy of the student handbook until they graduate.)

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The Law School reserves the right to change, delete, supplement, or otherwise amend at any time and without prior notice the information, requirements, and policies contained in this Handbook.

DEAN'S WELCOME

A warm welcome to the William S. Richardson School of Law!

Thank you very much for joining the unique and wonderful community that is our Law School.

You are now part of the face-to-face culture that is the William S. Richardson School of Law. Within the Law School's strikingly diverse yet remarkably supportive daily life, you will find that small acts of kindness are the norm as is widespread commitment to learning the craft of lawyering and to the pursuit of justice.

We welcome you and challenge you to take full advantage of the interrelatedness of our exceptional learning environment.

Mahalo.

Aloha,

Avi Soifer
Dean and Professor

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MISSION STATEMENT

The William S. Richardson School of Law is dedicated to providing excellence in legal education and scholarship and to promoting justice, ethical responsibility and public service. We place special emphasis on fields of law of particular importance to Hawai'i and the Pacific region, such as environmental law, native Hawaiian rights, ocean law, and Pacific and Asian legal studies.

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UNIVERSITY OF HAWAII AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC REGULATIONS FOR J.D. PROGRAM
(Revised May 2008)

Read these regulations carefully; all students are presumed to have full knowledge of their contents.

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA 20 USC §1232g) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record. See also section XXVIII.

II. Requirements for the Juris Doctor (J.D.) Degree from the William S. Richardson School of Law

A. All students in the Full-Time J.D. Program are required to maintain full-time study in the school subject to specific exceptions noted herein.

1. To be considered "full-time" for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below twelve credits will result in failure to be considered full-time.

2. After the first year, a full-time student in good academic standing may enroll in less than 12 credits with prior written permission of the Associate Dean for Academic Affairs on a finding of good cause.

3. A first year student is one who has earned 1 – 30 credits.
A second year student is one who has earned 31 – 60 credits.
A third year student is one who has earned 61 – 89 credits.

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B. All students admitted in the Part-Time Program may not take more than 11 credits per semester until completing the first two years of the prescribed part-time curriculum and completing at least 30 credits.

1. To remain enrolled and in good standing, part-time students must register for at least 6 credits and complete at least 3 of those credits.

2. After completing the prescribed curriculum for the first two years of part-time study, students admitted to the Part-Time Program with a GPA of 2.0 or higher may apply to the Associate Dean for Student Services for permission to register for 12 credits or more and be considered full-time or may continue as a part-time student. Students in the part-time program who have not attained a 2.0 GPA at the end of their second year may continue in the Part-Time Program, but may not take more than 11 credits per semester.

3. Part-time students may take elective courses following completion of their first year of part-time study.

4. Under exceptional circumstances, a student enrolled in the Part-Time Program may take less than 9 credits. "Exceptional circumstances" might include parenting, health, care giving, or pregnancy.

C. During the first year of full-time study or during the first 2 years of part-time study, students may not transfer between the Part-Time or Full-Time programs without permission. Students may obtain permission by petitioning to transfer between the programs and permission may be granted based upon space available and compelling need. Following completion of the first year of full-time study or 2 years of part-time study, students may seek permission of the Associate Dean for Academic Affairs to switch between full-time or part-time study, provided that any student in the full-time program must adhere to the student work-rule.

D. Eighty-nine or more semester credit hours earned.

E. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.

F. Completion of the pro bono requirement.

G. All required courses including the first year curriculum, Constitutional Law I, Second Year Seminar, Professional Responsibility, and a clinical or skills course from a list of courses satisfying that requirement maintained by the Associate Dean. The requirements are more fully described in the official School of Law Catalog.

H. A student must complete the requirements in subparagraphs A-E, above, no earlier than 24 months and not longer than 84 months after commencing law study at the law school or a law school from which the school has accepted transfer credits.

I. All outstanding obligations to the law school and/or the University such as emergency student loans, keys, parking fines and borrowed library books must be satisfied prior to graduation.

Academic Regulations

- J. Students must give careful attention to graduation requirements. **Although students may receive counsel from the School's administration and faculty, students are personally and directly responsible for meeting their graduation requirements.**

III. Special Projects

A. Special Projects defined.

Special Projects include credits earned for externships, directed study, journals, team competitions and graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawai'i. Law courses, including summer courses in foreign locations (e.g. Santa Clara University's summer programs in Japan, Korea and Singapore) taken at other ABA-accredited law schools are not counted as Special Projects.

B. Restrictions.

1. No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree. For students pursuing a dual degree or taking a foreign full-time Externship, a total of 17 credits of Special Projects can be credited.
2. A student on probation cannot enroll in Special Projects courses.
3. Students are not permitted to enroll in both a foreign law program and a Foreign Full-time Externship.

C. Courses outside law school.

1. Students not pursuing a dual degree/certificate.

A student not pursuing a dual degree may earn and count in the credit hours required for the J.D. degree, with the approval of the Associate Dean for Student Services secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of a graduate level (600 or higher) course taken outside the law school.

With the approval of the Associate Dean for Student Services, a student may take a language course and earn up to 3 hours of credit for successful completion if the language course is a 300 or higher level. However, if the language does not offer courses higher than a 200 level, then a 200 level course may be approved.

2. Dual graduate degrees and graduate certificate programs.

There is no special application process to enter a dual degree program. It is necessary however, to make a separate application to each graduate program and meet the admission requirements of each program. Admission into one program does not guarantee admission into the

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second program. For the law school, transfer credit cannot be granted for any courses taken prior to matriculation into the law school.

Students properly enrolled in and concurrently pursuing our J.D. degree and another graduate degree or graduate certificate program may earn and count in the credit hours required for the J.D. degree, with the approval of the Associate Dean for Student Services secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree or certificate program.

In those cases where the student completes the J.D. degree before the other graduate degree or certificate, the 10 credits from that degree or certificate program will only be counted toward the J.D. degree if the student has made substantial progress toward the second degree or certificate program.

3. For advance approval of graduate courses, the Associate Dean for Student Services must be satisfied that the course(s) will prove useful and relevant to the student's professional legal education or law career and that the content is of a nature to justify its substitution for courses offered in the law school.
4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.
5. A student on probation may not enroll in courses outside the law school either during the academic year or the summer.

D. Externships.

1. Externships are offered for 2, 4, 6, and 12 credits. Only students who have completed at least one academic year of study may enroll. Summer Externships may not exceed 6 credits.
2. A student may count up to 6 credits of externship towards graduation. Externships may be taken in the following sectors: law firm, public agency, judiciary or state legislature. Students may not repeat an externship at the same placement.
3. Students enrolled in a Foreign Full-time Externship (only offered fall and spring) may count all 12 of those credits towards graduation. For those students, the maximum number of externship credits that can be counted towards graduation is 12. Foreign Full-time Externships may be approved for placements anywhere out of the state of Hawai'i in the discretion of the Externship Director. There are limits on the number of students per semester that may enroll in Foreign Full-time Externships. Advanced approval must be obtained from the Externship Director and Associate Dean for Academic Affairs.
4. Students on probation may not enroll in an Externship.

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5. Part-time students may enroll in an Externship only after completion of the semester in which they earn 30 credits of their prescribed curriculum.

E. Directed Study.

1. Members of the full-time faculty are permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give letter grades for these projects or to award "Credit/No Credit" as mutually agreed at the time of enrollment. During the first two years of teaching for a new faculty member, a new faculty member is neither expected nor advised to supervise directed research projects.
2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the time of the regular registration period for the semester in which the project will be undertaken.
4. Students on probation may not enroll in a directed study.

IV. Grades

A. Grade System

Subject to paragraph E, and exceptions listed in A.1 and A.2 below, students will be graded in all academic work carried for credit in accordance with the following plus and minus grading system.

Grade Points

Grade points for each credit hour received in a course will be computed as follows:

A+ = 4.0	B+ = 3.3	C+ = 2.3	D+ = 1.3	F = 0.0
A = 4.0	B = 3.0	C = 2.0	D = 1.0	
A- = 3.7	B- = 2.7	C- = 1.7		

Student achievement is designated by the following grades: A+, A, A- (excellent), B+, B, B- (above average), C+, C (average), C-, D+, D (minimal passing), F (failure), CR (credit), NO (No credit), I (incomplete), and L (audit).

The plus ("+") and minus ("-") grades will be used to calculate a GPA. However, a professor may choose to assign only whole letter grades.

Academic Regulations

Work taken in the first semester of the first year, or the work taken in the semester(s) as an Ulu Lehua scholar, shall be treated as follows:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
2. Subject to Academic Regulation V.A., students' letter grades in the first semester of full or part-time study or the Ulu Lehua semester(s) will not be used in determining a student's official law school GPA except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation.

For first year students, these letter grades will be used to decide academic status and whether the student is eligible to continue following the first semester of the first year. Ulu Lehua scholars should refer to the Ulu Lehua Academic Regulations for additional grade information.

3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

B. Grading Norms

Grading norms for all courses are set out below to afford each instructor a guide to institutional expectations while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range, the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

Grade Curve

Grades	Range
A+ to A-	10% - 30%
A+ to B-	75% - 90%
C+ and below	10% - 25%

C. Ranking

Numerical Ranking

The top 20% of each class is calculated after Spring grades are issued. For 2Ls and 3Ls, the numerical ranking is calculated based on the cumulative GPA (excluding the 1L fall semester of advisory grades). Multiple class rankings (i.e. ties) are possible. Students are strongly encouraged to clarify to prospective employers if he/she is tied as reflected in the "unofficial" law school grade report issued the following spring semester.

For 1Ls, numerical ranking shall be calculated only on Spring semester grades because Fall semester grades are advisory only, even though a "grade report" for Fall semester may be issued by the law school. For December graduates, numerical ranking shall be calculated only after the following Spring grades are reported. December graduates are ranked together with the following Spring's graduating class.

Academic Regulations

If a student is ranked in the top 20%, the numerical ranking shall appear on the "grade report" for Spring only. If no numerical ranking is indicated, the student is not in the top 20% and should refer to his/her reported quintile ranking.

For part-time students, numerical ranking shall be calculated only on grades awarded at the end of the spring semester and after the completion of the first two years of part-time study.

For part-time students, grades earned in the first semester of part-time study shall be advisory only. A "grade report" for the fall semester may be issued for the first semester, but it will not be calculated into a student's GPA.

Part-time students will not be ranked until the semester in which they complete 30 credits. Thereafter, part-time students will be ranked together with second year students in the full-time program during completion of 31 to 60 credits and with third year students during completion of 61-89 credits.

Quintiles

The School of Law calculates five quintile rankings for each class: top quintile (20%), second quintile (40%), third quintile (60%), fourth quintile (80%) and fifth quintile. In addition, the class median is calculated. Quintiles are based on each student's cumulative GPA (not including any semester with advisory grades). Quintiles are indicated on the "grade report" for each semester except for 1Ls' fall semester "grade report."

Honors for Graduating Students

Summa cum laude Top 5% based on overall GPA
Magna cum laude Top 10% based on overall GPA
Cum laude Top 25% (top quartile) based on overall GPA

D. Grade Reporting

School of Law grades are reported in a number of different formats.

Grade Report

The School of Law's Student Services Office automatically prepares a "grade report" for each student following each Fall and Spring semester. Every course taken during the semester and the actual grade received, including "+" and "-" are indicated, unless the course is taken for "Credit/No Credit" or "Audit." The "+/-" is factored into a student's GPA. For 1Ls and part-time students, although a "grade report" will be issued after the Fall semester of their first year, the grades are advisory only and are not disclosed by the School of Law to anyone outside of the law school. A "grade report" is considered unofficial.

"Quintiles" are indicated on each grade report after each semester. Quintiles for 1Ls will be indicated only after the spring semester. Quintiles for part-time students will be indicated after completion of the semester in which they earn thirty credits.

"Numerical ranking" of the top 20% of each class is done once a year, only after Spring grades are issued. If a student is ranked in the top 20% of the class, it will be indicated on the "grade

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report" issued for Spring semester grades only. "Numerical rankings" will not appear on a Fall semester "grade report." Fall semester grade reports will only reflect quintile rankings (i.e. top quintile, second quintile, etc.). Part-time students will not be ranked until the semester in which they complete their first 30 credits of law school. Thereafter, they will be ranked as a second year student until they complete 60 credits. Following completion of 60 credits, they will be ranked with the third year class.

Students may list their numerical (if applicable) and quintile rankings on their resume. However, if a student is tied for a numerical rank in the top 20% (of the top quintile), the student is responsible for clarifying this information on the resume and during interviews. Students are encouraged to utilize the "unofficial" grade policy handout, which describes the current grading system and curve for each semester.

Web Access to Grades

Students may access their grades on the University of Hawai'i student website at www.hawaii.edu/myUH.

Official Transcript

The University of Hawai'i's Admissions and Records Office also prepares the student's "official transcript" upon request and with a small charge. The "official transcript" is cumulative and lists every course taken and the final grade. Each student should request a copy every semester, after final grades are posted. Please note that the GPA on the "official transcript" may differ from the GPA as computed by the law school. This is due to the complexity of our Academic Regulations. For example, when you take an upper campus course, the grade for that course is not computed by the law school for your law school GPA.

For 1Ls in the full-time or part-time program, the "official transcript" of fall semester courses will not indicate any letter grades but will only show "Credit/No Credit."

It is the responsibility of each student to keep copies of all documents, including grade reports, grade mailers and official transcripts.

- E. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The term "Credit" shall show a performance of "D" or better.
- F. All Externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "D" or better.
- G. Each law student may choose to take up to six semester hours of electives (that are normally graded) on a "Credit/No Credit" basis with the permission of the instructor. "Credit" will be given to those students earning an equivalent of a "D" or better. "No Credit" will be given to those students earning below a "D". If no credit is given, those hours will not count towards the six semester hours. No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the "Add" period for classes.

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H. "No Credit" grades shall not count toward full-time requirements and shall not count in the credit hours required for graduation.

I. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students together with the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded and shall submit at that time to the administration in writing the factors and relative weights to be assigned to such factors in determining grades for that course.

V. Eligibility to Continue

A. Students shall not be eligible to enroll beyond the end of any semester after which the student's cumulative average falls below 1.60.

B. A student who is eligible to enroll but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to enroll but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next regular fall or spring semester during which he or she is on probation, he or she shall be ineligible to continue beyond the end of such semester.

C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs V. A and V. B, above, a grade of "Incomplete" shall not be considered.

D. A student on probation may not stand for election or appointment to a committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.

E. A student on probation may not register for any Special Project as described in III.A. above.

F. A student on probation shall not be eligible for any clinic course.

VI. Passing Required Seminars and Workshops; Retaking of Courses

A. Passing required courses, seminars and workshops.

Except for transfer students, students must earn a grade of "D" or better in all required courses, seminars and workshops graded for a letter grade or credit in

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courses graded for "Credit/No Credit." Students who receive an "F" in any part of a sequential course required in the First-Year (Contracts I & II and Civil Procedure I & II) must retake that part, but may enroll in the next scheduled sequence prior to retake.

B. Retaking of courses generally.

A student otherwise eligible to continue may retake any required or elective course in which he or she earned the grade of D, F or No Credit. Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon re-enrollment, again earns an "F," the student may not re-enroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course. Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Likewise, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

a. Lower grade upon retake.

If a lower grade is earned upon retake, the grade earned upon retake replaces the original grade for all purposes (e.g. computation of cumulative and semester GPA, graduation, etc.) even though this new grade is lower than the original grade. Thus if a student retakes a course in which he or she previously earned a "D" and earns an "F," the new "F" grade replaces the original "D" grade for all purposes.

b. Grade for retake will not exceed a "C."

If the new grade is an A+, A, A-, B+, B, B-, or C+, a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes. The official transcript, maintained by the University of Hawai'i admissions and records office, will reflect both the original grade and the retake grade.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of

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the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision. In the case of sectioned classes such as Second Year Seminar, Legal Practice I and Legal Practice II, with uniform deadlines, extensions must be requested through the writing Director who will determine whether a late paper is excused or unexcused and subject to penalty. Delays because of computer related problems are not excused. An excused absence from class attendance does not result in an automatic extension of time on written work. The official time for written work to be turned in to the faculty mailboxes is set by the clock in the faculty secretaries' office.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Officially audited courses appear on UHM transcripts with the designation "L," but do not count toward computation of GPA or graduation requirements.

IX. Readmission

A student who for academic reasons is ineligible to continue to enroll may petition the Law School Petitions Committee in writing for readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably on such petitions only under the following circumstances:

- for first semester first year and part-time students in their first year of study, the petitioner proves that he or she has a **strong likelihood of completing the law school program and becoming a competent attorney.**
- for all other students, the petitioner proves that he or she was subject to **extraordinary circumstances** and that the petitioner has a **strong likelihood of completing the law school program and becoming a competent attorney.**

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean for Academic Affairs by the stated deadline. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean for Academic Affairs may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. It is the petitioner's burden to bring all relevant evidence before the Petitions Committee. The Petitions Committee may review the student's law school file, including academic record, and actively seek outside information regarding the petitioner. Favorable action by the Petitions Committee is a final decision on the petition.

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A denial of the petition may be appealed to the full faculty. On appeal to the full faculty, the petitioner, or his or her advocate, may address the faculty for five (5) minutes. No new evidence may be brought before the full faculty. However, the full faculty may review the Petitions Committee's decision and make a de novo determination. The faculty has defined "extraordinary circumstances" as:

An event or series of events that is unforeseeable and unusual for law students and that has an extreme adverse impact upon the student's ability to pursue the study of law.

X. Examinations

- A. A student who is enrolled in a course in which an examination is given will be required to take said examination at its regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies or exceptions beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the student obtains prior approval from the Associate Dean for Student Services and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

- B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.
- C. Examination procedures as established by the Associate Dean for Student Services are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course.
- B. If, after the review provided in paragraph XI. A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the instructor believes the grade was the result of a mathematical error in computing the grade, the instructor will notify the Associate Dean for Academic Affairs who will circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

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XII. Policy for Student Review of Examination Papers

Examination papers are an important element of law school pedagogy. At the professor's discretion, examination papers will be made available for students to review either at the professor's office or permanently released to the student at the student services office after the mailing of the Grade Report. All exams must be held for one year unless the examination papers are returned to the student. It is left to the individual faculty member's discretion to devise a system of grading examination papers. Should the system involve making scoring notations on the examination paper itself, faculty members are strongly urged to devise a notation method that protects against the remote possibility of subsequent alteration.

For example, a method in which the professor marks down all points earned in light pencil could be taken advantage of by someone slightly altering one or more point notations and then claiming that the professor had made a mathematical error in computing the point notations. Such a situation could be avoided by not making point notations on the examination paper, by keeping a separate tally sheet, or by using a pen.

XIII. Summer School

The Hawai'i Summer Law Program is a part of the Juris Doctor degree program at the law school and requires no additional approval for enrollment.

Any matriculated classified student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any other ABA approved summer program with the prior written approval of the Associate Dean for Student Services. A brochure with the course description or a syllabus detailing the host institution, course(s) to be taken, and number of credit units must be provided. In addition, a student must request a letter of good standing, which will be produced and forwarded to the host school by the Student Services Office.

Courses cannot be identical to or substantially similar to previously credited law school courses. Summer courses must be taken for a letter grade unless a letter grade option is not offered. For any course in which the student earns a "D" or better, the credits will be accepted toward the student's graduation requirement. However, that grade will be counted only as "Credit" and will not be included when computing the law school cumulative grade point average. Upon completion of the summer program, the student is responsible for having a transcript sent to this school.

XIV. Visiting UH Law Students

Any student in good standing may visit one or two semesters at another ABA-approved law school as a full-time student at that law school and transfer the credits earned at that school with the prior written approval of the Associate Dean for Student Services. The student must have earned a total of at least 45 of his/her graduation requirement of 89 credits at the University of Hawai'i.

Academic Regulations

Students taking required courses, including Constitutional Law I, Professional Responsibility, and or Clinic or Skills courses, while visiting at another ABA approved law school must obtain prior approval from the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs may approve taking a required course at an ABA approved law school only if the course is substantially similar to the required course. The student is responsible for providing sufficient course information, including a course description and syllabus. The Associate Dean shall consult with appropriate faculty to make that assessment.

As to First Year Courses and Second Year Seminar: Students may not take First Year courses or Second Year Seminar while visiting away, except with approval of the faculty. The Associate Dean for Academic Affairs may authorize taking first year course or Second Year Seminar at an ABA approved school without prior faculty approval when a prompt decision is necessary and the faculty is unavailable to hear a petition, but must make a report at the next faculty meeting.

XV. Students Visiting UH

Students visiting UH from other law schools are bound by these academic regulations. Students visiting UH may not participate in the course lottery but may enroll during open enrollment if space permits. Visiting students may take Second Year Seminar on a space-available basis if a section is subscribed by under 12 students and with the instructor's approval.

XVI. Transfer Students

With the approval of the Associate Dean for Academic Affairs, transfer students may transfer up to 44 credits from their prior law school if that law school is a member school of the Association of American Law Schools. Transfer credit from non-member schools may not exceed two semesters of full-time study. The Associate Dean for Academic Affairs shall determine which courses will be accepted and the number of credits to be transferred. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue to enroll. A grade of "Credit" will be used for all transferred credits. A minimum of 45 credits must be taken at this law school.

XVII. Transfer Credits

Approval of the Associate Dean for Academic Affairs of transfer credits for transfer students or UH students visiting another ABA-approved law school, is required. In all cases in which transfer credits are allowed, the grades earned for those credits are not counted; a grade of "Credit" will be used for all transferred credits. A student must have earned at least a grade of "D" in order for the credits to be transferred.

While attending another law program as a visiting student, students must take all courses for a letter grade, i.e. they may not enroll in courses graded "Pass/Fail" or "Credit/No Credit" unless a course is only offered "Pass/Fail" or "Credit/No Credit" as confirmed by that school.

XVIII. Part-time Employment

The School of Law, while it does not prohibit it, strongly discourages Ulu Lehua scholars and first-year students in the Full-Time Program from taking employment during the school term. Because of the demands placed on students by the beginning curriculum, a student's learning and academic progress may be seriously compromised by the distractions which employment is likely to bring. However, rising tuition costs and difficult economic conditions may make it necessary for some students to engage in employment. **Under no circumstances may any law student taking 12 credits or more per semester engage in employment for more than 20 hours per week during a school term in which the student is enrolled in more than twelve credits.** Those who violate this policy may be held accountable under the Academic Regulations. Students should also be advised that the need to work may not be raised as a justifying factor in the process of appealing academic actions or as a defense for failing to meet academic deadlines or attendance requirements.

XIX. Foreign Law Programs

It is possible for a second or third-year law student to attend a foreign law program for one or two semesters and transfer a maximum of twelve credits each semester earned at that program. Such programs require at least a year of advance planning, must conform to strict ABA guidelines, and must have the prior written approval of the Associate Dean for Academic Affairs.

XX. Requirements of Regular and Punctual Attendance

Regular and punctual attendance at scheduled class meetings is required. This requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawai'i, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency or other extraordinary situations.

Some classes have an attendance policy monitored by the Associate Dean for Student Services. If a student needs to miss a class, contact the Associate Dean for Student Services (by telephone or e-mail) to report an absence from class. Indicate the reason for the absence, the classes to be missed and the total number of days to be absent. The Associate Dean for Student Services will determine whether the absence is excused or unexcused and will notify the instructor. Absences will be excused if approved by the Associate Dean for Student Services. Excused absences do not automatically extend due dates on written work.

Examples of excused and unexcused absences:

A. Excused Absences

- Serious personal matters
- Illness (requires doctor's note for an extended absence)

Academic Regulations

- Death and/or funeral of close friend or family
- Religious holidays (e.g. Rosh Hashanah, Yom Kippur, etc.)
- Moot Court, Client Counseling Competitions
- Attend a local or national law related conference as a participant (speaker, law student representative, coordinator or award recipient)
- Court appearances (provide copy of subpoena showing conflict with class time)

The law school recognizes the importance of fulfilling jury duty. However, the Associate Dean for Student Services can prepare a letter to have jury duty excused or postponed.

If a student's absences are excused but the number of days missed are "excessive" (defined as three weeks of class or more), the Associate Dean for Student Services may require the student to withdraw from a course.

B. Unexcused Absences

- Attend a conference as an attendee
- Law school sports tournaments
- Personal matters that are not emergencies (e.g. regular doctor's appointments, puppies being born, etc.)
- On-campus interviews/call backs
- Car trouble/missed ride or bus
- Weddings, reunions
- Computer problems

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or assignment of a failing grade for the course.

In the case of a student who has accumulated excessive absences the Associate Dean for Academic Affairs has the authority to intervene and impose one of the sanctions listed in the preceding paragraph. "Excessive" is defined as three weeks of class or more.

XXI. Course Load

A. Full-Time Study. A normal semester course load is 14 to 16 credit hours. A student shall not be enrolled at any time in course work that would exceed 20 percent of the total course work required for graduation in the J.D. program. Students who wish to register for fewer than 12 credit hours per semester must complete an approval form and receive prior written permission from the Associate Dean for Student Services. When the Associate Dean approves a load of fewer than 12 credits, a note shall be placed in the student file indicating the reasons and the decision.

B. Part-Time Study. Part-time students are expected to make steady progress toward completion of the J.D. degree. A normal semester course load of part-time study is between 9 to 11 credit hours. Part-time students may only enroll in less than 9 credits

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with the permission of the Associate Dean for Student Services on a finding of good reason.

XXII. Law Journals and Team Competitions

Qualifications for membership on school law journals and teams are set by their boards and described within their by-laws. All journals and teams must incorporate into their by-laws a fair and comparable method for part-time students to attain membership.

XXIII. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, but should consider how it affects their semester of full-time study. From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean of Student Service's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I, Professional Responsibility and Second-Year Seminar) is only allowed under extraordinary circumstances.

XXIV. Leave of Absence

A student who has completed the first year of law school may request a one to two semester leave of absence. The request should be in writing to the Associate Dean and state the reason(s) for the request. If a student on a leave of absence fails to return at the end of the leave of absence, the student will be withdrawn from the J.D. program. Should that student wish to resume law study, the student will have to reapply to enter as a first-year student and none of the previously completed courses may be counted towards the J.D. degree.

XXV. Active Duty

A student who leaves law school prior to completion of a semester as a result of being called to active military duty in the armed forces of the United States may be granted appropriate credit for the semester which was interrupted by the call to active military duty. The Associate Dean of Academic Affairs shall determine the requirements to complete course work.

XXVI. Application and Amendment of Regulations

Amendments to these regulations or modifications of graduation requirements may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XXVII. Appeal

Academic Regulations

Any decision made by an Associate Dean, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear at the faculty meeting.

XXVIII. Privacy Rights

Pursuant to 34 C.F.R. §99.7 of the rules and regulations governing the Family Educational Rights and Privacy Act of 1974 (hereinafter the Act), students in attendance at the campuses of the University of Hawai'i are hereby notified of the following:

1. It is the administrative policy of the University of Hawai'i to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students.
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend education records.
 - (c) The right of protection from disclosure by the University of Hawai'i personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawai'i to comply with the Act.
3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of APA7.022 may be obtained from the Office of the Dean of Students or at www.hawaii.edu/svpa/apm/a700/a7022a.pdf.

4. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

- (a) Name of student.
- (b) Local address and zip code maintained in the campus locator printout.
- (c) Local telephone number maintained in the campus locator printout.
- (d) E-mail address
- (e) Major field of study.
- (f) Education level (e.g., freshman, sophomore, etc.)
- (g) Fact of participation in the officially recognized activities and sports.

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- (h) Weight and height of members of athletic teams.
- (i) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

5. A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

Academic Regulations

UNIVERSITY OF HAWAII AT MĀNOA WILLIAM S. RICHARDSON SCHOOL OF LAW ACADEMIC REGULATIONS FOR PART-TIME PROGRAM

The Academic Regulations for the University of Hawai'i at Mānoa William S. Richardson School of Law apply to all part-time students and are incorporated herein by reference. The provisions below are specifically for students enrolled in the Part-Time Program. In the event of a conflict between the two sets of academic regulations, the provisions specifically adopted for the Part-Time Program shall control.

I. STATUS OF PART-TIME STUDENTS

Part-time students are enrolled as classified law students.

II. REQUIREMENTS FOR ADMISSION TO THE PART-TIME PROGRAM.

A. Part-time study in the School of Law for the first two academic years.

1. Part-time students are expected to make steady progress toward completion of the J.D. degree. A normal semester course load of part-time study is 9 to 11 credit hours. Part-time students may only enroll in less than 9 credits with the permission of the Associate Dean for Student Services on a finding of good reason.
2. To remain enrolled and in good standing, part-time students must register for at least 6 credits and complete at least 3 of those credits.
3. Students admitted to the Part-Time Program may not take more than 11 credits per semester until after he/she has completed the first two years of the prescribed part-time curriculum and completed at least 30 credits.
4. Part-time students may take elective courses following completion of their first year of part-time study.
5. Part-time students may enroll in ABA-approved summer programs during the summer following the completion of their first year (18-20 credits).

B. Following the second year of study and remainder of Juris Doctor Program

1. After completing the prescribed curriculum of the first two years of part-time study, students admitted to the part-time program that have obtained a GPA of 2.0 or better may apply to the Associate Dean for Students Services and be allowed to study law as a full-time student or they may continue on a part-time basis. Part-time students who enroll full-time may not work more than 20 hours per week.
2. Students admitted to the part-time program who have not attained a 2.0 GPA at the end of their second year may continue in the part-time

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program, but may not take more than 11 credits per semester.

3. Part-time students may enroll in an Externship or live-client clinic only after completing the first 30 credits of their prescribed curriculum.

III. GRADING

- A. Part-time students will be graded on the same basis as full-time students.
- B. For part-time students, numerical ranking shall be calculated only on grades awarded after the completion of the spring semester in which they earn at least 30 credits.
- C. Part-time students will not be ranked until completion of 30 credits. Thereafter, part-time students will be ranked as a second year student until they complete 60 credits. Following completion of 60 credits, they will be ranked with the third year class.

Academic Regulations

UNIVERSITY OF HAWAII'Ī AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC REGULATIONS FOR
ULU LEHUA PROGRAM
(Revised January 2008)

The Academic Regulations for the University of Hawai'i at Mānoa William S. Richardson School of Law apply to all Ulu Lehua scholars and are incorporated herein by reference. The provisions below are specifically for students in the Ulu Lehua Program. In the event of a conflict between the two sets of academic regulations, the provisions specifically adopted for the Ulu Lehua Program shall control.

I. Status of Ulu Lehua Scholars

A. Ulu Lehua scholars are enrolled as classified law students.

II. Requirements for Admission to the William S. Richardson School of Law

A. Required courses.

I. Regular first-year courses.

Each Ulu Lehua scholar shall enroll in the following regular first-year courses in the Fall semester:

LAW 504: Legal Practice I – 4 cr.

LAW 509: Contracts I – 3 cr.

LAW 516: Civil Procedure I – 3 cr.

Each Ulu Lehua scholar shall enroll in the following regular first-year courses in the Spring semester:

LAW 505: Legal Practice II – 2 cr.

LAW 510: Contracts II – 3 cr.

LAW 517: Civil Procedure II – 3 cr.

2. Ulu Lehua Seminar.

Each Ulu Lehua scholar also shall enroll in the Ulu Lehua Seminar in each semester (LAW 501 in the Fall – 3 cr.; LAW 502 in the Spring – 3 cr.).

3. Tutorials.

In addition, each Ulu Lehua scholar shall enroll in LAW 516L (Civil Procedure Tutorial - 1 cr.) and LAW 509L (Contracts Tutorial - 1 cr.) during the Fall semester, and LAW 517L (Civil Procedure Tutorial - 1 cr.) and LAW 510L (Contracts Tutorial - 1 cr.) during the Spring semester.

Academic Regulations

B. Grading.

1. Ulu Lehua scholars will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Ulu Lehua semester(s).

a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the scholar and employees of the law school acting in an official capacity.

b. These grades will not be used except to assist the scholar for purposes of permitting graduation, avoiding dismissal, or avoiding probation. The grades will also be used to determine academic status under II.C. below.

c. The "Credit" as it is used in this section shall show a performance of "D" or better.

2. The Ulu Lehua Seminar and Tutorials shall be graded "Credit" or "No Credit" and without advisory letter grades. "Credit" shall be awarded to scholars who:

a. Regularly and punctually attend Ulu Lehua Seminar and Tutorial meetings. Absences shall not exceed a total of three per semester for each of these three courses. Additional absences may be permitted by the Associate Dean for Student Services, but only for reasons of compelling health or other personal emergencies. Documentation may be required.

b. Scholars must substantially comply with all requirements, assignments, reassignments, and deadlines established by the Seminar Leader and the Tutorial Leaders.

3. An Ulu Lehua scholar may not take an "I" (Incomplete) grade in any course or seminar. A grade of "F" shall be entered in the event a scholar fails to sit for an examination or fails to meet the requirements of B.2, above.

III. Second Semester and remaining Juris Doctor Program

A. Only the regular first-year law school courses taken during the Ulu Lehua semester(s) count toward their graduation requirements.

B. Lehua scholars must retake any regular law course taken during their Ulu Lehua year in which they received an "F" and earn at least a "D" for that course upon retake. The retaking of courses after admission is governed by Section VI of the law school Academic Regulations.

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- C. Shall enroll in all first-year courses and seminars not taken during the Ulu Lehua semester(s).
- D. May take, after consultation with the Director, upper division law courses in any semester in which scholar is also completing regular first-year requirements Only scholars who have completed at least one academic year of study may enroll in an externship.
- E. An Ulu Lehua scholar who is in good standing, may enroll in ABA-approved summer programs during the summer following the first year. However, the non-completion of certain first-year courses could affect an Ulu Lehua scholar's ability to perform in certain elective courses.

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UNIVERSITY OF HAWAII AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC REGULATIONS-LL.M. PROGRAM
(June 2007)

Please read these regulations carefully; all students are presumed to have full knowledge of their contents. With the exception of the J.D. and Pre-Admission Academic regulations, the regulations, procedures and policies contained in the Student Handbook also apply to LL.M. students. Please read them carefully.

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstances will information about a current or former student's academic record (including grades and GPA, if any) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record. See also section XVIII below.

II. Requirements for the Master of Laws (LL.M.) Degree

A. Full-time study in the School of Law for two academic semesters.

1. To be considered "full-time" for School of Law enrollment purposes, students must register for at least twelve credits and receive a passing grade in at least nine of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below twelve credits will result in failure to be considered "full-time." Under extraordinary circumstances and with prior written permission of the Associate Dean for Student Services or his/her designee (hereinafter referred to as the "Associate Dean"), a student may register for as few as ten credits and still be considered full-time for that semester, provided the student receives a passing grade for at least nine of those credits.
2. Students may take more than twelve credits each semester; if they wish to enroll in more than sixteen credits during one semester, they must have the written permission of the L.L.M. Director.

- B. A minimum of twenty-four credit hours or more earned over the two semesters.
- C. A grade of "Credit" in at least twenty-four credits for students who opt for the LL.M. grading option; and a cumulative grade point average of 2.0 or better in at least twenty-four credits for students who opt for the J.D. grading option.
- D. Satisfactory completion of the course "Introduction to American Law."
- E. All outstanding obligations to the School of Law and/or the University, such as emergency student loans, keys, parking fines and borrowed library books must be satisfied before graduation.

III. Courses

- A. Students are required to complete the course on "Introduction to American Law," which is offered on a Credit/No Credit basis for all LL.M. students.
- B. With the exception of certain limited-enrollment and legal writing or clinical courses, LL.M. students may enroll in any course offered at the School of Law, subject to the approval of the LL.M. Director. Students may enroll in limited-enrollment courses with the permission of the instructor or after successfully participating in a course lottery for LL.M. students in the fall or spring semester. LL.M. students are not permitted to practice law under the Hawai'i Supreme Court student practice rule.
- C. Students who wish to enroll in a course with prerequisites must have completed the prerequisites or courses that the instructor agrees are equivalent to the prerequisites.
- D. Students are not required to enroll in first-year courses, but they may choose to do so, with the exception of writing courses. With the permission of the LL.M. Director and the instructor, they may enroll in only one semester of a full-year course.
- E. Students may in their second semester earn up to two credits for participating in an approved Honolulu externship. Students are responsible for obtaining their own placement approved by the Externship Director. All externships are graded on a Credit/No Credit basis.
- F. Students may also enroll in a Directed Study, Law 576V, with a member of the School of Law faculty. Any directed study course must be approved by both the LL.M. Director and the individual faculty member. Credit for directed study shall be limited to three credit hours, in addition to Introduction to American Law. Only one directed study course may be taken in any semester.

Academic Regulations
LL.M. Program

- G. With the permission of the LL.M. Director, students may enroll in graduate courses (600 level or above) outside the School of Law. Up to six credit hours may be credited towards the minimum number of credits required for an LL.M. degree.
- H. With the permission of the instructor, students may also audit courses. Audited courses appear on transcripts but do not count towards the required minimum credits.

IV. Grades

- A. Subject to paragraph IV.B, LL.M. students will be graded in all academic work carried for credit with the grades of Credit or No Credit. Students must receive a grade of Credit in a minimum of twenty-four credits. No GPA will be calculated for LL.M. students graded on this system.
- B. With the permission of the LL.M. Director, students may elect to be graded on the same scale and in the same manner as J.D. students, on a scale of A through F, as set out in the academic regulations for J.D. students. Students who elect this method must maintain a 2.0 or better GPA in a minimum of twenty-four credits.
- C. LL.M. students will not be ranked.
- D. Students must elect their grading option when they register for courses at the beginning of each semester. Students may change their grading option only with the consent of the LL.M. Director; no change in grading option may be made after October 15 for the fall semester and after March 15 for the spring semester.
- E. "No Credit" grades shall not count toward full-time status requirements and shall not count in the credit hours required for graduation.
- F. Students who are contemplating pursuing a certificate outside the School of Law should consult with the relevant department or program about the grading policy, as Credit/No Credit grades may not count towards the course requirements in that program or department.
- G. A faculty member has broad discretion to determine the factors (including but not limited to answers to examination, assigned written or oral work, class attendance and participation and projects) to be considered in evaluating student performance, and in determining what weight is assigned to such factors in determining grades. Factors that do not bear reasonable relationship or relevance to the course's educational objectives, or that are

not reasonably necessary or useful to achieve such objectives should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she will give written notice to the students together with the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded and shall submit at that time to the administration in writing the factors and relative weight to be assigned to such factors in determining grades for that course.

V. Grade Reporting

School of Law grades are reported in a number of different formats. Final grades for each course are posted by exam number and published to students on email. To insure students' rights of confidentiality, it is prohibited to calculate the grades of other students and to distribute such information.

Grade Report

The School of Law's Student Services Office automatically prepares a "grade report" for each student following each Fall and Spring semester. Every course taken during the semester and the actual grade received, including "+" and "-" are indicated, unless the course is taken for "Credit/No Credit" or "Audit." A "grade report" is considered unofficial.

Grade Mailer

The University of Hawai'i's Admissions and Records Office automatically issues a "grade mailer" after each semester, which lists the courses and grades for the semester. Because the "grade mailer" is sometimes prepared before School of Law grades have been finally reported, a specific grade in each course may not appear.

Official Transcript

The University of Hawai'i's Admissions and Records Office also prepares the student's "official transcript" upon request and with a small charge. The "official transcript" is cumulative and lists every course taken and the final grade. Each student should request a copy every semester, after final grades are posted. Please note that the GPA on the "official transcript" may differ from the GPA as computed by the School of Law. This is due to the complexity of our Academic Regulations. For example, when students take a course outside the School of Law, the grade for that course is not included in computing the School of Law GPA.

Academic Regulations
LL.M. Program

For students who have chosen the Credit/No Credit grading option, the "official transcript" will not indicate any letter grades but will only show "Credit/No Credit."

It is the responsibility of each student to keep copies of all documents, including grade reports, grade mailers and official transcripts.

- A. All courses and seminars taken outside the School of Law, including courses at other law schools, whether they are taken on a graded or non-graded basis, shall be entered as "Credit/No Credit" on the School of Law transcript.
- B. All Externships shall be graded on the basis of "Credit/No Credit."

VI. Eligibility to Continue

- A. A student on the Credit/No Credit grading option who receives more than three but less than six credits of "No Credit" shall be allowed to continue in the LL.M. Program but may be placed on probation. A student who has been placed on probation in the first semester of the program must receive grades of "Credit" in all courses taken during the second semester.
- B. Students who have chosen the Credit/No Credit grading option shall not be eligible to continue in residence if they receive a grade of "No Credit" for six or more credits, but shall be dismissed from the program.
- C. A student who has chosen the graded option and whose cumulative average is less than 2.00 but greater than 1.59 shall be allowed to continue in the LL.M. Program but may be placed on probation.
- D. Students who have chosen the graded option shall not be eligible to continue to enroll beyond the end of the semester after which their cumulative average falls below 1.60, but shall be dismissed from the program.
- E. A student who substantially completes the LL.M. requirements may for good cause petition the Petitions Committee to complete the remaining credit or GPA requirements by an alternative examination, work product or additional coursework.
- F. The rules in this section may be waived by the Petitions Committee, at their sole discretion, upon petition by a student showing cause why they should be waived.

VII. Examinations

- A. Subject to paragraph D below, a student who is enrolled in a course in which an examination is given will be required to take that examination at its

regularly scheduled time and place. Failure to hand in an examination paper will result in the award of a grade of "F" or "No Credit."

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies or exceptions beyond the student's control that substantially impair the student's ability to take the examination at the scheduled time, provided that to the extent practicable the student obtains prior approval from the Dean or the Associate Dean for Student Services and provided further that to the extent practicable the rescheduled examination be given after the time of the regularly scheduled examinations.

- B. Examination procedures as established by the Associate Dean for Student Services are incorporated by reference.
- C. If English is not the student's first language and the student has not previously studied in the United States, extra time may be granted for the completion of the examination and a dictionary may be used, in accordance with the examination procedures established by the Associate Dean for Student Services.

VIII. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course.
- B. If, after the review provided for in paragraph VII.A above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the School of Law's Academic Grievance Procedures to seek a change in the grade.
- C. If the instructor believes the grade was the result of a mathematical error in computing the grade, the instructor will notify the Associate Dean for Student Services who will circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed upon a reevaluation of a student's work.

IX. Policy for Review of Examination Papers

Examination papers are an important element of law school pedagogy. Examination papers should be made available for students either at the instructor's or should be permanently released to the student forty-five days after the mailing of the Grade Report. All examination papers must be held for one year unless returned to the student.

X. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if an extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision.

XI. Class Attendance

Full-time study shall mean regular and punctual attendance at scheduled class meetings, in addition to registration for the minimum number of required credits.

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or assignment of a failing grade for the course.

In the case of a student who has accumulated excessive unexcused absences, the Associate Dean for Student Services or his/her designee has the authority to intervene and impose one of the sanctions listed in the preceding paragraph. "Excessive" is defined as three weeks of class or more.

XII. Withdrawal from Courses

During the School of Law's drop/add period, students may freely withdraw from any elective course, but should consider how it affects their semester of full-time study. From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean for Student Services written permission to withdraw. After that date, no withdrawals are permitted except under unusual circumstances beyond the student's control.

XIII. Part-time Employment

The School of Law strongly discourages LL.M. students from taking any employment during the school term. Because of the demands placed on students during their one year of LL.M. study, their learning and academic progress may be seriously compromised by the distractions employment is likely to bring. Any employment must be approved by the Associate Dean and under no circumstances may any LL.M. student engage in work for more than twenty hours per week during school terms. Those who violate this policy may be held accountable under the Academic Regulations. Students should also be advised that the need to work may not be raised as a justifying factor in the process of

appealing academic actions or as a defense for failing to meet academic deadlines or attendance requirements.

XIV. Requirements of Regular and Punctual Attendance

Full-time study shall mean registration for a minimum of twelve credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the School of Law community.

Subject to limitations imposed by accrediting institutions of the University of Hawai'i, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency or other extraordinary situations.

Some classes have an attendance policy monitored by the Associate Dean for Student Services. If a student needs to miss a class, contact the Associate Dean for Student Services Office (by telephone or e-mail) to report an absence from class. Indicate the reason for the absence, the classes to be missed and the total number of days to be absent. The Associate Dean for Student Services will determine whether the absence is excused or unexcused and will notify the instructor. Absences will be excused if approved by the Associate Dean for Student Services. Excused absences do not automatically extend due dates on written work.

Examples of excused and unexcused absences:

A. Excused Absences

- Serious personal matters
- Illness (requires doctor's note for an extended absence)
- Death and/or funeral of close friend or family
- Religious holidays (e.g. Rosh Hashanah, Yom Kippur, etc.)
- Moot Court, Client Counseling Competitions
- Attend a local or national law related conference as a participant (speaker, law student representative, coordinator or award recipient)
- Court appearances (provide copy of subpoena showing conflict with class time)

The School of Law recognizes the importance of fulfilling jury duty. However, the Associate Dean's office can prepare a letter to have jury duty excused or postponed.

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If a student's absences are excused but the number of days missed are "excessive" (defined as three weeks of class or more), the Associate Dean may require the student to withdraw from a course.

B. Unexcused Absences

- Attend a conference as an attendee
- School of Law sports tournaments
- Personal matters that are not emergencies (e.g. regular doctor's appointments, puppies being born, etc.)
- On-campus interviews/call backs
- Car trouble/missed ride or bus
- Weddings, reunions
- Computer problems

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or assignment of a failing grade for the course.

In the case of a student who has accumulated excessive unexcused absences, the Associate Dean or his/her designee has the authority to intervene and impose one of the sanctions listed in the preceding paragraph. "Excessive" is defined as three weeks of class or more.

XV. Course Load

A normal semester course load is twelve credit hours. Students who wish to register for more than sixteen or fewer than twelve credit hours per semester must first obtain the written approval of the LL.M. Director or the Associate Dean for Student Services. When the LL.M. Director or the Associate Dean for Student Services approves a load of fewer than twelve credits, a note shall be placed in the student file indicating the decision, the reasons and whether the student will be considered full-time or part-time.

XVI. Application and Amendment of Regulations

Amendments to these regulations or modifications of graduation requirements may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided however that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XVII. Appeal

Any decision made by the LL.M. Director or the Associate Dean pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear at the faculty meeting.

XVIII. Privacy Rights

Pursuant to Section 99.6 of the rules and regulations governing the Family Educational Rights and Privacy Act of 1974 (hereinafter the Act), students in attendance at the campuses of the University of Hawai'i are hereby notified of the following:

- A. It is the administrative policy of the University of Hawai'i to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students.
- B. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend education records.
 - (c) The right of protection from disclosure by the University of Hawai'i personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawai'i to comply with the Act.
- C. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of APA7.022 may be obtained from the Office of the Dean of Students or at www.hawaii.edu/svpa/apm/a700/a7022a.pdf.
- D. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

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- (a) Name of student.
- (b) Local address and zip code maintained in the campus locator printout.
- (c) Local telephone number maintained in the campus locator printout.
- (d) E-mail address.
- (e) Major field of study.
- (f) Education level (e.g., freshman, sophomore, etc.)
- (g) Fact of participation in the officially recognized activities and sports.
- (h) Weight and height of members of athletic teams.
- (i) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

LLM Acad Regs F06

UNIVERSITY OF HAWAI'I AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
DISCIPLINARY REGULATIONS

(Revised June 2007)

Article I. School of Law Disciplinary Action

- A. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawai'i, and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation. The University of Hawai'i Student Conduct Code is available through the office of the University of Hawai'i Dean of Student Services or at www.hawaii.edu/student/conduct/.
- B. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
1. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 2. Other conduct, including but not limited to conduct in violation of University of Hawai'i rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
- C. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law and University Rules and Regulations

- A. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawai'i may be subject to disciplinary action pursuant to these regulations. Violations include, but are not limited to, the specific examples of School of Law rules and regulations contained in paragraph B.
- B. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
1. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Regulations. Willful or repeated

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failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

2. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.
3. Plagiarism. The definition of plagiarism by this law school is a simple one:

The submission or presentation of any work, in any form, that is not a student's own, without acknowledgement of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another's work constitutes plagiarism.

All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may subject students to disciplinary action. (See Policy on Plagiarism).

4. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may subject a student to disciplinary action. The examination rules established by the School of Law are described in full in a memorandum issued by the Associate Dean for Student Services and entitled "Policies and Procedures for Examinations."
5. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
6. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents

the enforcement of these Regulations. Examples of this offense include, but are not limited to:

- a. failure to cooperate with the Disciplinary Committee, as in:
 - i. failing to appear and testify without reasonable excuse (excluding the student defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;
 - ii. misrepresenting material facts before the Disciplinary Committee;
- b. failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
- c. destroying evidence in order to hinder the prosecution of any complaint.

7. Misrepresentation. Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University.

Examples of this offense include, but are not limited to:

- a. forging or altering any University document, record, or instrument of identification;
 - b. furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
8. Interference with property. Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
- a. stealing, damaging, or destroying books, notes, computers, or other belongings of students or faculty;
 - b. stealing, hiding, or vandalizing library materials;

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- c. stealing, damaging, destroying, or other abuse of University information technology resources including the University's hardware, systems, network and services;
 - i. unauthorized entry into a file, to use, read or change the contents, or for any other purpose;
 - ii. unauthorized transfer of a file;
 - iii. unauthorized use of another individual's identification and password;
 - iv. use of computing facilities to interfere with the work of another student, faculty member or other member of the University community;
 - v. use of computing facilities to send obscene or abusive messages;
 - vi. use of computing facilities to interfere with normal operation of the University computing system;
 - vii. unauthorized used of facsimile machines, media equipment, phone equipment (including voicemail);
 - d. stealing, damaging, destroying, or otherwise misusing other University property.
9. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.
10. Cheating. Cheating includes but is not limited to giving or receiving unauthorized assistance during an examination or other written assignment; obtaining unauthorized information about an examination before it is given; submitting another's work as one's own; using prohibited sources of information during an examination or other written assignment; fabricating or falsifying data in research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting of facts in order to obtain exemptions from course requirements.

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11. Conduct in violation of UH rules, regulations and policies. Activity in violation of the University's policies including policies against discrimination, sexual harassment and inappropriate use of technology, may be subject to disciplinary action. For example, laws relating to child pornography, obscenity and defamation apply in electronic environments.

Article III. Unprofessional Conduct

A. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawai'i, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:

1. that is illegal conduct involving moral turpitude; or
2. that involves dishonesty, fraud, or deceit; or
3. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the standards enacted by the Supreme Court of the State of Hawai'i to govern the conduct of lawyers.

B. Specific examples. Subject to the standard defined in paragraph A, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:

1. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawai'i relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
2. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawai'i Office of Disciplinary Counsel and other analogous agencies in other states should be considered.

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3. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process at University of Hawai'i, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

- A. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.
- B. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter if the student requests a hearing. Examples of emergencies include situations where the student poses a danger of inflicting bodily harm upon himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of law school activities including classroom instruction. If possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.
- C. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean for Academic Affairs or the Associate Dean for Student Services shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.
- D. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

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- E. Presentation of charges. If, in the judgment of the Dean, the report appears to warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean for Academic Affairs shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article III above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

- A. Composition of the Disciplinary Committee. Except as provided in paragraph B, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
- B. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
- C. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph D, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.

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- D. Resignation and replacement of Disciplinary Committee members. If any member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

- A. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean for Academic Affairs and by the student. Provided, however, since the committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
- B. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
1. a written copy of the charges made and referred to the Committee; and
 2. copies of all supporting documents submitted to the Committee.
- C. Presentation of the case. The Associate Dean for Academic Affairs shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean for Academic Affairs shall have the right to be assisted by counsel.
- D. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, the student shall bear any costs incurred.
- E. Witnesses and evidence at the hearing. Both the student and the Associate Dean for Academic Affairs have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.

At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.

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- F. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.
- G. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chair of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.
- H. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.
- I. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on audio tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
- J. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
- K. Burden of proof. The Associate Dean for Academic Affairs bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

- A. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
- B. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
- C. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An

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acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.

- D. Rule violation or unprofessional conduct established. If the Disciplinary Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.
- E. Form of disciplinary action. The following are some of the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee or the Dean. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
1. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.
 2. Censure. The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 3. Grade reduction/revocation of degree. The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 4. Suspension. The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and may be recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 5. Expulsion. The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's

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permanent law school record and is recorded upon the student's University transcript.

6. Notice to State Bar Examiners. Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawai'i or to any similar agency in another jurisdiction in which the student might seek to practice law.
- F. Effect of decisions of a Disciplinary Committee. In any case involving a finding of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

- A. Review by the Disciplinary Review Panel. All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean for Academic Affairs within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
- B. Composition of the Disciplinary Review Panel. The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.
- C. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- D. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
- E. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits

Disciplinary Regulations

during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.

F. Action on review of Disciplinary Committee decisions. The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:

1. adopt the Committee's decision and the disciplinary action determined by the Committee; or
2. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
3. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.

G. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

- A. A student defendant has the right to a clear, concise written statement of charges against the student.
- B. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
- C. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:
1. prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
 2. appear before the Disciplinary Committee;
 3. legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;

Disciplinary Regulations

4. present oral, documentary, or physical evidence on the student's behalf;
5. examine and cross-examine witnesses;
6. require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
7. remain silent without such silence being construed against the student;
8. a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
9. a copy of the Disciplinary Committee's decision in writing; and
10. waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable there from.

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UNIVERSITY OF HAWAII AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)
(Revised June 2007)

I. Introduction

These procedures are used to ensure consistent and equitable treatment for students and to resolve issues arising from the academic relationship between individual faculty and students.

For any grievance involving a claim of sexual harassment, the student should contact the University's Equal Opportunity & Affirmative Action Officer or the Sex Equity Specialist before beginning any of the steps outlined below.

II. Statute of Limitations

Claims must be initiated within 45 days of mailing of grade.

III. Step 1 (Informal Resolution)

- A. Meet with Professor.
- B. See one of the Associate Deans.
- C. Campus mediation services are available to assist in resolving disputes.

IV. Step 2 (Formal Resolution)

- A. Written complaint given to Associate Dean for Academic Affairs within 14 days after Step 1 has ended.
- B. Associate Dean for Academic Affairs has 14 days to achieve mediated resolution.

V. Step 3

- A. Written request for a hearing before the Academic Grievance Committee Law must be filed with the Associate Dean for Academic Affairs within 14 days after student has been notified of final results of Step 2.
- B. Academic Grievance Committee-Law.
 - 1. Composed of one third-year student and four faculty (at option of grievant, may consist solely of 3 faculty members).

Academic Grievance Procedures
(Overview)

2. Committee may decide before scheduling a formal hearing that no reasonable case exists (must be done within 7 days of filing of appeal).
 - a. A decision that no reasonable case exists is appealable to the full faculty.
 3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
 4. Grievant and faculty member may have advisor present.
 5. Hearing open unless grievant or faculty member requests it be closed.
 6. Burden of proof (clear & convincing evidence) rests upon grievant.
 7. Committee only sits during Fall and Spring semesters; therefore, completion of actions brought late in the semester may be delayed until the following semester.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
1. Appeal heard within 35 days or next semester.
 2. Decision by law faculty final within the University.

UNIVERSITY OF HAWAII AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC GRIEVANCE PROCEDURES
(Revised June 2007)

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

DEFINITIONS

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (See II. B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments and exam detail changes should be in writing.

Academic Grievance Procedures

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To discuss on request, the final grade assigned to the work of any student in the instructor's course, free from abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness.
- H. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- I. To post and maintain reasonable and mutually convenient office hours during the course of the regular semester to meet with students.
- J. To adhere to the policies of the Faculty Senate as adopted in December 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- K. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

Academic Grievance Procedures

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with an Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean for Academic Affairs' office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean for Academic Affairs with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the student. For the purpose of this Statement, where the faculty member

Academic Grievance Procedures

involved is the Associate Dean for Academic Affairs, the Dean shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean for Academic Affairs but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean for Academic Affairs shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean for AA shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for Academic Affairs for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean for Academic Affairs of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean for Academic Affairs to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean for Academic Affairs shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law selected by the Dean. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean for Academic Affairs.

Academic Grievance Procedures

- C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law.

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
- i. give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member;
 - ii. inform all parties of the date, time, and place of the hearing

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student grievant and/or faculty party may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice and may, then, in such event, without notice, also have an advisor present.

Academic Grievance Procedures

- b. The hearing shall be open unless the student grievant or faculty party requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
- c. The burden of proof shall be upon the student grievant who shall prove his or her case by clear and convincing evidence.
- d. The Chair shall be responsible for recording the hearing on audio tape, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
- e. The student grievant and faculty party shall be provided the opportunity to present evidence and arguments on all issues involved.
- f. Oral and documentary evidence may be introduced.
- g. The student grievant and faculty party shall have the right to question witnesses and submit rebuttal testimony.
- h. All members of the AGC-Law may question witnesses.
- i. The AGC-Law may secure testimony from witnesses other than those presented by the student grievant or faculty party. The committee may also secure documents and materials, including grades and other scores, relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student grievant or faculty party. Other confidential documents may be secured only with the consent of appropriate parties.
- j. The hearing will be held as scheduled even in the absence of the faculty party alleged to have committed the grievance, unless such absence is for good and sufficient cause. If the faculty party cannot attend for good and sufficient cause and desires a continuance, the committee may grant such a continuance for a reasonable period under the circumstances. The decision of the AGC-Law as to good and sufficient cause is final within the University.
- k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.
- l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.

Academic Grievance Procedures

- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student grievant and faculty party of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean for Academic Affairs.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean for Academic Affairs shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean for Academic Affairs.
- b. Other records to be maintained by the Associate Dean for Academic Affairs shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and audio tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices. A summary of the disposition of the grievance shall be placed in the student's file.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by the student grievant or faculty party. The appeal shall be in writing and must be received by the Associate Dean for Academic Affairs within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.

- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.
- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean for Academic Affairs shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawai'i, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawai'i, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable there from.

I. APPOINTMENTS

- A. Administration: The Deans and all administrative personnel are in and out of their offices throughout the day. If we are available, we have an open door policy. Otherwise, please make an appointment.
- B. Faculty: Each faculty member will post his or her office hours and e-mail address on the bulletin board opposite the Faculty Support's Office or on the door to their office. Appointments to see them at other times should be made by calling them directly or contacting them by email. Messages may also be left by contacting the faculty support person assigned to each faculty member (Room 252, or call 956-7629).

II. BULLETIN BOARDS/DISPLAY CASES

This school relies on the posting of information on bulletin boards to communicate certain information.

There are several bulletin boards located throughout the law school campus. An electronic bulletin board is located in the Law Library. In addition, e-mail may be used to post notices of general interest to the law school community. The posting of bills on building walls, doors and other surfaces on the law school campus is NOT allowed.

Bulletin Boards are located as follows:

- A. The glass bulletin boards located on both sides of the hallway around the corner from Classroom 1 include some placement and academic interest information and together with the green tiled bulletin board located outside Classroom 2 in the Courtyard, are the official locations for school announcements. Students should check these boards daily.
- B. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
- C. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items "for sale" or "wanted," typing services, student organization notices, student activities, scholarships, writing competitions, etc. A "Free Speech" board is located in the courtyard near the elevator. The board is cleared at the end of each month.
- D. The glass display case in the student hallway is for special displays by the SBA and other organizations. Please see the Chief Operating Officer if you would like to use this space.

General Policies

E. To use the Law Library bulletin board, please see the librarian.

III. SCHOOL CALENDAR/NEWSLETTER

A. School Calendar: All events, meetings and notices posted on the bulletin boards and web during the school year are placed on the School Calendar. Notify the Director of Communications and External Relations: quinnc@hawaii.edu of any and all meetings and/or events that are desired to be publicized with sufficient specificity and advance notice to ensure that such desired publicity is made available to the appropriate audiences.

B. "Ke Kula Kanawai" is the law school's newsletter distributed via email, posted on our law school website, and posted on bulletin boards during the school year. Important notices and announcements as well as news about faculty, staff, student and alumni are included. Email lawnews@hawaii.edu to send in a news item, or direct news items to Cynthia Quinn, Director of Communications and External Relations: quinnc@hawaii.edu

IV. CAMPAIGN/FUNDRAISING ACTIVITIES

A. Under HRS Chap. 84, the following activities violate the state ethics code:

1. using state time, equipment, supplies, or state premises for campaign activities or campaign purposes;
2. using state personnel during state time for the purpose of performing campaign tasks or activities;
3. using the state mail or messenger service for campaign purposes;
4. soliciting campaign contributions or campaign assistance by sending letter addressed to state officials or employees at their state offices;
5. using one's state position to give unwarranted advantages of preferential treatment to campaigns;
6. selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected; and
7. candidates walking through state agencies for campaign purposes.

B. These rules also apply to the use of the law school e-mail lists and all mailtrays. The State Ethics Commission informs us that students are also under the same restrictions as state employees and officials, if state property is involved.

General Policies

V. CLASSROOM USE

A. Use of Rooms: The seminar rooms and the main classrooms can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. Access may be afforded by use of room combinations. A late class, an examination, a special event, or any formally scheduled event or class takes precedence. Late afternoon and early evening classes are regularly scheduled for the law school curriculum and the Kapiolani Community College Para-Legal Program uses our classrooms in the evening every semester, as does our summer law program during the month of July. Disclosure of the confidential room combinations to persons or groups outside the law school community is prohibited.

Classrooms and seminar rooms are inappropriate for personal storage. This rule will be strictly enforced.

B. Room Reservations: Classrooms (CR), Seminar Rooms (SR), Moot Courtroom (MTCT), Mauka Conference Room, Room 254 and the Courtyard may be reserved in accordance with the following:

SUBMITTING A ROOM RESERVATION REQUEST

To REQUEST a room reservation that can be tracked and will be time stamped (for priority purposes in the event of conflicting requests), the WSRSL Room Reservation Calendar should be checked for available rooms (there are separate calendars for each room; if there is an entry on the date/time that you desire, click on the entry for specifics as to start and end times, etc.). A READ-ONLY WSRSL Room Reservation Calendar (daily, weekly, monthly views) for each room on campus may be viewed at:

<http://portal.law.hawaii.edu/crschedule/default.aspx>

- o Login Username: rmres
- o Password: wsrs
- o (All lower case)

When you have determined room availability, *click* on the **FACILITY RESERVATION REQUEST** *link* located in the upper left hand corner above the list of classrooms/rooms and fill it out. When you click on "Submit Request" your reservation request will go directly to lawroom@hawaii.edu. The information to be provided includes:

Your name (Requestor), email/phone contacts, organization (as applicable)

- o Date(s) and time block(s)

General Policies

- Room request: CR1-5, SR1-6, MTCT, Room 254, Mauka Conference room
- Nature of event (class, Faculty colloquium, meeting, public event, tutorial, lecture/presentation, etc.)
- Anticipated number of participants
- Whether you desire the event to be published on the WSRSL Event Calendar (online).

ROOM RESERVATION TIMELINE & PROCESS

Room reservations will be processed during business hours (M-F, 8:00a-4:00p, except State Holidays). Requests will be processed by a member of the Event and Communication Office staff, with a confirmation by email to the Requestor. Please check the WSRSL Room Reservation calendar for accurate input. **TIMELY CANCELLATIONS** (to lawroom@hawaii.edu) should be sent as a courtesy to others, as facility usage is high, throughout the year.

ROOM RESERVATION POLICIES

1. All requests (particularly from non-WSRSL organizations/individuals/commercial organizations) are subject to approval by the Office of the Chief Operating Officer/Senior Advisor.
 2. Requestor is responsible for the appropriate use of the room(s) and for restoring the rooms to their pre-use condition: removal of trash, returning chairs/tables/furniture to their original configurations, erasing chalkboards/whiteboards, and ensuring that the doors are closed.
 3. Requestor is responsible for arranging equipment or facility needs (AV & technical needs, alcohol permits, parking, etc.)
 4. No WSRSL facilities may be reserved during Study Period and Final Examination Periods.
 5. All study group requests must be sponsored by an identified Faculty or Staff Member.
 6. Donations from individuals/organizations that are not currently associated with the William S. Richardson School of Law are commonly made to the University of Hawai'i Foundation (Law School General) when facilities are reserved. Please inquire as to specifics when making a reservation.
- C. Issuance of Classroom Keys: Student organizations may reserve rooms for use during the day or after hours. In cases of special need, **one person** from the law student organization may be authorized to obtain/return key(s) from the law school for the room(s). A Substitute **must be designated in writing** to pickup/return the key(s). Keys are to be returned no later than 8:30 a.m.

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the next working day. Should it be a weekend or a holiday event then the key(s) must be returned the next working day at 8:30 a.m., e.g. Monday. Failure to strictly adhere to these time limits may result in forfeiture or restriction on future usage of law school facilities by that organization. A lost key fee of \$25.00 will be charged.

D. Building Security and Lock-up: The Law School facilities are readily accessible to pedestrian traffic; **security is everyone's responsibility**. The Seminar Rooms are accessible by combination that is provided to the Law School Community. To maintain security as best we can and to limit access to law school community members, again, it should go without saying that the disclosure of the combination to non-law students and others outside the law school community is prohibited. The Student Lounge and corridor are accessed by the same combination lock. The main classrooms and Moot Courtroom are open during the normal academic day and are locked by Security Personnel in the evenings. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. All rooms at the Law School are locked over the weekends except when special events are held.

E. Safety: For your safety, if you must be on campus in the evening or late at night, we urge you to take advantage of campus security's dusk to dawn escort service (dial **956-8211**, on campus phone **6-8211**), to travel in groups, and to know where the nearest emergency call boxes with blue lights are located. There is one located in Zone 17 parking lot adjacent to the law school at the mauka, diamond head entrance to the building.

For emergencies call Campus Security (dial **956-6911**, on campus phone **6-6911**). For non-emergencies dial **956-8211**, on campus phone **6-8211**.

F. Clean up: All rubbish is to be properly discarded in available trash receptacles, and recycle cans and bottles. Janitors do not work in the evenings or on weekends. Tables and chairs that are moved should be returned to the configuration and location in which they were found. Exercise common courtesy in this regard.

G. Noise: If you are having an evening function – please be considerate about noise. If you are having a daytime function – please do not disturb the classes.

VI. COURTYARD USE

A. Get Togethers: We encourage the use of our courtyard for get togethers, subject to the following restrictions.

General Policies

- B. **Reserve Space:** If your group wishes to have an event in the courtyard, you must plan for and reserve its use in advance. If evening classes or a special lecture are scheduled, such events will take priority. Reserve rooms, schedule events, and place events on the Calendar of Events through the office of the Chief Operating Officer.
- C. **Cooking:** Cooking, particularly over open fires, will not be permitted in the courtyard. However, charcoal grills, etc., may be set up at the rear of the building, and the food brought into the courtyard for consumption at a party held there. This restriction is intended to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from stains on the walls and ceilings of the balcony overhangs, etc.
- D. **Alcohol Use:** Remember, if you wish to serve beer or wine at your event, whether held in the courtyard or elsewhere in the building, permission must be secured through the Associate Dean for Student Services at least two weeks in advance. This is a University policy which the Law School is not authorized to waive.
- E. **Clean Up:** Clean up is the responsibility of the students, not our janitors. Return all tables and chairs to their original location and wipe down furniture if necessary. Maintenance of a clean, professional campus is a 24/7 obligation of the entire Law School.

VII. RECYCLING

As conscientious members of the community the Law School recognizes and endorses recycling as an easy and effective way to benefit our community and environment. With the passage of the bottle bill, making beverage containers redeemable for five cents each, there is even more incentive to recycle. The law school recycling program is simple and easy to use.

- A. **Reduce:** Try to avoid printing when possible. When you do print, print on both sides of the paper. This is one of the easiest and most effective things we can do.
- B. **Paper:** There are white and colored paper recycling bags in the computer lab, by the library copiers, and at other high use areas. Please put white paper into the white bag and all colored paper into the blue bag. Please remove all staples and paperclips from the paper.
- C. **Cans and Bottles:** Put all aluminum cans and all redeemable bottles into the recycle bins. Please do not put non-recyclable trash in the bins.

For questions about our school's recycling program, please contact the Environmental Law Society.

General Policies

VIII. E-MAIL

- A. **E-Mail:** Every law student is required to have a @hawaii.edu e-mail address to receive communication from the law school and to access the MyUH Online Services to register, pay tuition, financial aid, and check grades. In addition, a UH email address is necessary to use wireless and GoPrint in the computer lab. Please advise the front desk or e-mail lawcts@hawaii.edu of your @hawaii.edu e-mail address as soon as possible. For continuing students, this is a change in policy from the past. You may obtain a University e-mail address for free.
 - a. To obtain a free university e-mail account, ITS user name and password, sign-up through the web by filling out and submitting the appropriate information at <https://sunsys.its.hawaii.edu/acctmgmt/>.
 - b. If you have an existing e-mail account with a commercial provider and wish to continue using it, you can forward all of your "hawaii.edu" e-mail to your commercial account. For help in creating an e-mail forwarding file from your university e-mail account, send e-mail to lawcts@hawaii.edu.
 - c. Access to a university e-mail account is easy if you are on campus. There are computer stations at the law school, law library and computer labs at upper campus. For off-campus access, go to mail.hawaii.edu. Directions on how to access your email account, managing your username, and setting up account preferences are available at the following site: <http://www.hawaii.edu/infotech/tools.html>.
 - d. E-mail and e-mail lists are used extensively to communicate about a variety of law school related matters. To have your e-mail address added to the lists, e-mail to lawcts@hawaii.edu. A more detailed directory will be provided to you later.

Faculty and deans
Faculty, staff, admin. & visitors
All law students
Ulu Lehua Scholars
Part-time students
1Ls
2Ls
3Ls
Adjuncts and visitors

law-faculty-l@hawaii.edu (letter "l")
law-l@hawaii.edu
lawstu-l@hawaii.edu
lawululehua-l@hawaii.edu
lawptstu-l@hawaii.edu
law1l-l@hawaii.edu
law2l-l@hawaii.edu
law3l-l@hawaii.edu
law-springadj-l@hawaii.edu
& law-falladj-l@hawaii.edu

Note: The Associate Deans and Chief Operating Officer are on all student lists.

General Policies

- e. To block/filter unwanted e-mail on Eudora, Outlook Express or Pine, go to <http://www.hawaii.edu/law/> and click on "Resources". Information be found on how to stop junk e-mail can also at <http://www.hawaii.edu/infotech/email.html>.

B. E-Mail Etiquette and Rules: In the tradition of e-mail list owners everywhere, we are posting a list of good manners and rules when participating in lists at the law school. All users have the responsibility to operate the University Computing systems in an ethical, lawful and responsible manner.

1. The law school and the university do not tolerate discrimination and/or harassment of any kind regardless of the format/medium. Using law school e-mail lists for political purposes or non-law school fundraising solicitations is prohibited. Obscene e-mail is comparable to obscene phone calls or letters. Laws relating to child pornography, obscenity & defamation apply in electronic environments.
2. Think before you post. Do you really want to say this to another person? Think twice before you post to a list. Reread what you wrote; once a message is sent, it can't be retrieved. Also, always assume that what you write will not be confidential, it is always retrievable (even if you delete it) and is always discoverable by a court of law. By accident or design, it is all too easy for private e-mail messages to become public subject matter.
3. DON'T SHOUT – unless you really mean it. The use of all uppercase letters is considered shouting, and therefore rude. Part of the problem with all caps is that it is harder to read than mixed case. The other problem is that since facial expression and tone of voice are missing from e-mail, some way to express strong opinions (either positive or negative) is needed so ALL CAPS has been designated. Another convention that has emerged is to use the asterisk to denote *emphasis* on a word or series of words short of shouting. You can also use smiley faces :-) or frowns :- (.
4. Do not "flame." Flaming is an emotionally charged posting, typically directed at an individual, e.g. "Fred, I am SICK AND TIRED of reading your garbage on the list; how can you be SO DUMB!" As in face-to-face communication, think before you speak/write.

It is all too easy to sit in front of a terminal by yourself and say inappropriate, insensitive, or inconsiderate things that you would/should never say in a face-to-face conversation. You are a professional, and it is generally agreed that professionals do not act this way. As with offensive communications relating to discrimination and/or harassment, flaming will not be tolerated on the law school listservs.

General Policies

5. Because of its impersonal nature and lack of ability to show tone and body language, it is all too easy to appear to be curt in e-mail. If you are curt in real life and are happy with that persona/reputation, so be it. Otherwise, you should take care to "soften" messages.
6. Be careful when you reply to a message. If you only want to reply to the sender, watch the cc line in the address to be sure you are not inadvertently sending your reply to everyone. Again, remember that even if you intend to only send a reply to the sender, your message could still wind up being broadcast to a wider audience.
7. Try to avoid re-sending a copy of the entire first message and/or subsequent replies. Sometimes it is helpful to follow the thread of a "conversation" on e-mail and thus keep all the messages in one long thread, but the thread can get very long very fast and eat up a great deal of space on your system. As an alternative, be sure the subject line your message header clearly identifies the topic you are addressing.
8. It is generally a good idea to "sign" your e-mail at the end. Try to stick with your name and not include elaborate signature lines. Anonymous e-mails are not appropriate.
9. On many e-mail systems, it is not easy to correct typos/grammar or otherwise edit a text. Most e-mail communications begin and end as first drafts. Be tolerant of those who do not type perfectly, and who do not write perfectly constructed sentences/paragraphs in a first draft. On the other hand, if the errors or first-draft nature of the text create ambiguity, feel free to *politely* seek clarification.

C. Compliance with UH Information Technology Policies and applicable laws <http://www.hawaii.edu/infotech/policies/>.

Access to UH networks and computer systems is a privilege granted subject to existing University policies such as the UH Executive Policy on Use and Management of Information Technology Resources, and the Student Conduct Code as well as all applicable local, state, and federal laws (e.g., copyright law, child pornography prohibitions, computer crime statutes). Other network etiquette rules are found at <http://www.hawaii.edu/itsdocs/net/etiquette/>.

IX. FOOD

- A. Storage, Preparation, Consumption of Food: Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building at the Law School; food preparation is limited to outside areas. Food may be consumed in the

General Policies

Student Lounge (and in our courtyard). In order to reduce the burden on our custodial staff and to keep the premises clean, please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Chief Operating Officer or Associate Deans for events, which include food, in these otherwise, restricted areas. Be sure to have arrangements for clean-up when seeking such permission.

- B. Library: Please see the Library Handbook for current policies regarding consumption of food in the library.

X. MESSAGES/MAIL/NOTICES

- A. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

- B. Student Mail: The Law School may not be used as an address for receipt of students' mail. Unfortunately, we do not have the facilities or staff to provide this service even for law related mail.

- C. Post no bills. Do not tape announcements on any doors. This is reserved for emergency announcements only, utilize the green tiled Bulletin Board outside CR2.

XI. PARKING

Two-Wheeled Vehicle Parking: Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.

XII. PERSONAL ELECTRONIC EQUIPMENT

The use of personal computers, pocket PC's, palms, cellular phones and similar personal electronic resources in classrooms should be limited to activity directly related to course content and note-taking as directed or permitted by the instructor. Use of electronic resources for other purposes (e.g., browsing the Internet, playing games, using e-mail services, watching or listening to DVDs, etc.) is inappropriate to the classroom, and may provide a significant and

General Policies

unwanted distraction to those near the student using these devices. Please also review Section H, Email regarding other prohibitions.

XIII. SMOKING/DRINKING AND OTHER SUBSTANCES

- A. Smoking: Smoking is prohibited inside the Law School and the courtyard. Smoking is permitted only in designated areas in front of the law administration building and in Parking Lot Zone 17 at least 20 feet from any enclosed facility, in accordance with law. These smoking areas are subject to change in accordance with University policy and regulations.

- B. Drinking and Illegal Drug Use: The Law School strongly discourages excessive drinking at any time, and prohibits excessive drinking at law school sponsored functions held on or off campus. The use of illegal drugs is also prohibited. Students may be subject to severe disciplinary sanctions, in addition to exposure to criminal and bar licensure consequences. Substance abuse referrals and counseling are available through the University Health Services and through the Attorneys and Judges Assistance Program.

Memorandum

To: All Applicants for Permits to Serve Alcohol

From: Laurie Arial Tochiki, Associate Dean for Student Services

Date: July 27, 2007

Re: Procedures and Policies for Alcohol Permit Applications

Responsible consumption of alcohol is everyone's responsibility. As an adult community, the William S. Richardson School of Law recognizes there is an appropriate place for the consumption of alcohol in appropriate settings. The entire School of Law community is therefore obliged to adhere to and comply with alcohol use and service policies designed to provide for the reasonable enjoyment thereof.

Individuals, organizations or groups ("sponsoring organization(s)") are REQUIRED to obtain an alcohol permit for all events on campus where alcohol will be served. Applications for a permit must be submitted to the Office of the Associate Dean for Student Services AT LEAST 10 days prior to the event. This advance permit process is necessary as permits are approved/disapproved by the Vice Chancellor for Students, University of Hawai'i at Mānoa, not by the School of Law.

Sponsoring organizations shall, upon receipt of an Alcohol Permit, comply with the following policies:

- 1) Alcohol distribution and use must be supervised at all times to ensure lawful and responsible consumption. There must be at least two "supervisors" for every 50 people at the event. For example, if there are 150 people at the event there must be at least six supervisors. Supervisors must be clearly identifiable at the event by some appropriate visual means (e.g., name tags, clothing, etc).
- 2) Only supervisors may serve alcohol, and they are to ensure that alcohol is not served to anyone who is unable to provide verification of age of 21 years or to anyone who appears physically or mentally impaired by reason of being under the influence of alcohol. Supervisors may not consume alcohol during the event.
- 3) Supervisors are to strictly enforce a process for checking identification to verify individuals who are over 21. Stamping, cups, or wrist bands may be used. All who appear under the age of 30 must be asked to verify age with proper identification.
- 4) In accordance with university policy, alcohol permits will be issued only for functions that are restricted to Law School community members and their

Alcohol Policy

guests. Alcohol may not be served at any events open to the general, uninvited public.

- 5) Advertising or publicity for events at which alcohol will be served at the Law School should convey that alcohol consumption is not the event's primary focus and clearly note that irresponsible drinking behavior is discouraged. The following language is suggested: "School of Law parties are smoke-free and allow only responsible, above-legal age consumption of alcoholic beverages."
- 6) No one may bring in or consume alcoholic beverages other than the beverages served by the sponsoring organization; no one may leave with alcohol served at the event. Non-alcoholic drink alternatives and substantial food must be provided. A clearly-defined family room and/or designated non-drinking area are strongly recommended.
- 7) All events must end by 12:30 a.m.
- 8) Supervisors should take reasonable steps to insure that those who may be impaired have an alternative means of transportation leaving the function. The sponsoring hosts should take reasonable steps to insure that those who may be impaired have an alternative means of transportation leaving the function, for example, arrangements with taxi companies prior to the event to provide alternate transportation for those in need are encouraged. All costs associated with cab fares are the responsibility of individuals using the cabs; e.g., call 422-2222 (The Cab) for more information.
- 9) Campus security is to be alerted whenever alcohol is served. Private duty police officers must be hired whenever more than 125 people are expected at an event, and all entrances should be monitored. The sponsoring organization is responsible for all expenses associated with the hiring and supervision of private duty police.
- 10) All entrances should be tightly monitored to maintain the party attendance to Law School community members and their guests. Other persons must be asked to leave immediately, and if such requests are refused, campus security should be immediately called and asked to remove the individuals.
- 11) The sponsoring organization is responsible for cleanup after the event. The Custodial staff should be contacted at least two days before the event to arrange for provision of cleaning equipment. The standard should be to leave the premises in as good if not better condition than as found before the event.
- 12) The sponsoring organization and planners of the party should meet with Associate Dean Tochiki prior to the event to make sure that they are aware of security telephone numbers and procedures.

WILLIAM S. RICHARDSON SCHOOL OF LAW POLICIES AND PROCEDURES FOR EXAMINATIONS

(Revised July 2008)

The policies and procedures for examinations are set forth below to provide each law instructor and student with a guide to the norms of the William S. Richardson School of Law.

Unless the instructor specifically directs that the examination may be written outside the physical confines of the Law School, these provisions on examinations will apply.

BEFORE THE EXAM

- ▶ Approximately one week prior to the commencement of final exams, each student will be assigned an identification (ID) number from the Student Services office. Students taking midterm exams will be given their number approximately one week before their midterm. Students will be given one ID number per semester to be used on all exams for that semester, including finals and midterms. Students should assure that the ID number will be easily available for each examination. Since ID numbers assure an anonymous grading system, please guard your number as appropriate.
- ▶ Each student is charged with the responsibility for noting the exact date, time and room for each and every examination which he or she is required to take. Such detailed information will be contained in the "Final Exams Schedule" that will be distributed and posted on the official bulletin board and law school website a few weeks before final exams commence.
- ▶ ExamSoft users should sign-up for the exam they would like to take using ExamSoft, at the Student Services front desk. There is a \$1.00 charge per exam. Students planning to use ExamSoft should follow the distributed instruction for downloading the program into their laptop and fully complete the registration process. Students wishing to use the computer lab for exams, may sign up at the front desk on a first-come, first-served basis.

THE DAY OF THE EXAM

- ▶ Pagers, cellular phones, watches, etc. MUST be silenced throughout the exam period. Please double check any item that may buzz, beep or make a noise to ensure that the exam room remains silent.
- ▶ Twenty to thirty minutes before exams are scheduled to begin, students should pick up exam materials at the "Exam Materials" desk located outside Classroom 2 in the courtyard.

Policies and Procedures for Examinations

- ▶ Students writing their exams should proceed to the designated room(s); examsoft users will be assigned separate room(s). Exam Soft users should set up their laptops and await instruction from the Exam Coordinator. ExamSoft users assigned to the library computer lab should go directly to the computer lab. Exam materials for computer lab users will be distributed in the computer lab. **Students must be seated 15 minutes before the examination commences, with no less than one seat space (approximately 3 feet) between students. Students arriving late for an exam will not be given additional make-up time.**
- ▶ Faculty may not proctor their own examinations. However, the instructor of the course should be available in his/her office during the hours of the exam to respond to questions about the examination. If the course instructor cannot be available, he/she should ask another member of the faculty or staff to be available for questions regarding the exam. Responses to individual questions which might affect the grading of the examination will, as much as possible, be announced to the entire group taking the exam.
- ▶ Any books, notes or other course-related materials not authorized for use during the examination may not be brought into the exam room, or must be placed at the front of the room during the exam. Students may not consult any unauthorized materials during the examination.
- ▶ There will be a proctor present or nearby throughout each examination.
- ▶ Students will initially receive one or two official blue books from the proctor. Extra blue books will be provided as needed. For some exams, students may also be given scratch paper which should not be written on until the exam begins.
- ▶ Students must supply their own pens. Unless instructed otherwise, write with a blue or black ink pen--on every other line, on one side of each page. Do not write in the margin on the left side of the page. If your professor is using a scan sheet for multiple choice questions, please bring a no. 2 black pencil.
- ▶ For ExamSoft users, each person must supply his/her own laptop.
- ▶ After blue books have been issued and exam announcements made, the proctor will start the exam. The instructor is responsible for issuing explicit written instructions relating to every exam whether the exam is given outside or within the Law School.
- ▶ When time is called at the end of the exam, stop writing or typing immediately. A proctor who has reasonable cause to believe that a violation of examination rules, procedures or standards has occurred will immediately contact the Assistant Dean and will in writing:

Policies and Procedures for Examinations

- a. Describe the occurrence, ask for and note the student's name and examination number, and;
 - b. Submit the above in writing along with his/her (the proctor's) name to the Law School Assistant Dean.
- Upon completion of the exam:
- a. **(FOR THOSE WRITING):** The student's ID number should be on all blue books and all should be numbered, i.e., 1 of 3, 2 of 3, 3 of 3. Insert all blue books, exam questions and used scratch paper into the manila envelope provided. Seal the envelope and write your exam number across the seal. Return any unused blue books and unused scratch paper to the proctor. Some professors will not grade an exam if the exam questions are missing.
 - b. **(EXAMSOFT):** Students must upload their exam answer file before exiting the exam room if possible (wireless connection required). Students without a wireless connection may save their answer file on a flashdrive provided by the proctor. The student's ID number should be on the exam questions and also on any used bluebooks. Should a student use any blue book(s), they should be numbered, i.e. 1 of 3, 2 of 3, 3 of 3. After uploading the answer file or saving it to a flashdrive, students must insert the exam questions, scratch paper and any used blue books into the manila envelope provided. The student's ID number should be written on the envelope. Upon printing the exam answer files, law school administration will insert the exam answers into the envelopes and seal them. Some professors will not grade an exam if the exam questions are missing.
 - c. Be sure to turn in all materials containing answers. It is the students' responsibility to insure that all materials (such as blue books, scratch paper, answer sheets, etc.) intended to be graded are submitted to the proctor at the end of the exam in the sealed envelope. Credit will be given only to such materials.
 - d. Sign the class list. This is important as it serves as proof of a student's presence during the exam.
- Students should gather their papers quietly so as not to disturb others. Once out of the room, please be quiet as students may be taking exams in adjacent rooms.
- Students may leave the exam room to go to the restrooms or to take a break. Please do not allow classroom doors to *bang* as you enter and exit. During such a break, students should not talk to anyone or remove any exam materials (questions or answers) from the exam room. There will be absolutely no smoking, no drinking of beverages or consumption of food in the exam rooms. Only water bottles will be permitted.

Policies and Procedures for Examinations

- Students will not be given extra time in the event of computer malfunctions during an exam.

AFTER THE EXAM

- Students should not discuss the contents of examinations until grades are posted. This is necessary to assure the security of the exam in the event that someone is unable to take the exam at the scheduled time.
- Under no circumstances should students identify themselves or their matching exam numbers to the professor (this applies to the exam paper itself, as well as before, during or after the examination). References or notations on the exam which the professor may recognize as coming from a certain student should be studiously avoided. Students should not discuss their examination with the professor until grades have been posted.
- Students should contact the Associate Dean for Student Services immediately regarding concerns about anonymity, transposed or forgotten exam numbers, etc.

POSTING OF GRADES/LOST EXAM NUMBERS

- Results of examinations will be posted on the web at www.hawaii.edu/myuh at approximately 30 days after the exam, although some grades may be posted sooner.
- The Student Services Office will not give out ID numbers or exam results to students who have lost or misplaced their ID number. Grade reports are mailed about six weeks after the last exam.

FINAL EXAM RESCHEDULING (MAKE-UP)

- Students should check the final exam schedule before registering for courses. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.
- Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed only for medically certified disabilities or verified emergencies beyond the student's control which substantially impair the student's ability to perform on the exam at the scheduled time.

To the extent practicable, the student must obtain prior approval for the rescheduling from the Associate Dean for Student Services. The Associate Dean for Student Services will then discuss the student's situation anonymously with the professor whose exam is being given. Students should not discuss the need for rescheduling directly with the professor concerned as this breaches anonymity. The rescheduled exam

Policies and Procedures for Examinations

should be given after the time of the regularly scheduled exam, on a date to be determined by the Associate Dean for Student Services and instructor.

Requests for rescheduling or extra test time will not be granted for such excuses as studying for the wrong exam, oversleeping, tardiness, forgetfulness, car trouble, traffic congestion, etc.

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UNIVERSITY OF HAWAI'I AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW
POLICY ON PLAGIARISM

Every year or so, students are found to have plagiarized in a course assignment. Sanctions for plagiarism have ranged from failing a course to expulsion from school. Plagiarism is serious business, particularly in law schools. Learning what plagiarism is and how to avoid it makes sense for at least two reasons: ethical and practical. The Code of Professional Responsibility, which sets forth the ethical norms (some aspirational and some mandatory) by which lawyers are expected to conduct their professional affairs, does not specifically mention plagiarism. But, Rule of Professional Conduct 8.4 (c) states that "[i]t is professional misconduct for a lawyer to...engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." It should be obvious that a law student who, under pressures of deadlines, "borrows" without attribution language and ideas from others might also have no qualms about "borrowing" other, more tangible things once in practice. Law schools are duty-bound to do all they can to ensure a firm moral grounding for all potential lawyers.

On the practical side, the key to a successful legal argument is the ability to convince the listener (be she judge, client, or opposing counsel) there is a sound legal and factual basis for the position you are advocating. If your argument lacks citation, or if the citations are inaccurate, the listener will not be swayed. Even in cases where your argument is at the cutting edge of the law and advocates a new direction, contrary to existing law, the listener must be brought gradually to that eventual leap of faith along a comfortable path well-marked by citation to existing authority.

The definition of plagiarism used by this law school is a simple one: *Plagiarism is the submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. Regardless of intent, the failure to properly acknowledge the use of another's work constitutes plagiarism.*

Given the gravity of the offense, the sanctions imposed through the Student Conduct Code can be severe, including receiving an "F" in the course, school suspension, or even expulsion from law school.

CALI, the Center for Computer-Assisted Legal Instruction (www.cali.org), has developed a 45 minute interactive lesson on Plagiarism, entitled "Plagiarism: Keeping Out of Trouble." You can locate this lesson within the Legal Writing Subject list. Law students should take this CALI lesson as soon as possible, and review it again in preparation for Second Year Seminar. The Library staff can provide you with your CALI password and instructions on how to access this lesson.

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University of Hawai'i at Manoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawai'i 96822
Telephone: (808) 956-6363 Facsimile: (808) 956-6402

Office of the Dean

June, 2007

TO: Law School Community

FROM: Aviam Soifer, Dean

SUBJECT: Discrimination and Sexual Harassment

A warm welcome to the William S. Richardson School of Law. The University of Hawai'i generally and the Law School in particular are both deeply committed to providing an environment free from discrimination and sexual harassment. As a part of this commitment, the University has implemented policies and detailed procedures to be followed in the case of an alleged violation.

While we certainly do not anticipate any case of discrimination or sexual harassment at the Law School, we have had situations in which someone unconsciously or inadvertently makes an inappropriate statement or gesture. As you probably know, the intentions of the harasser are not determinative in sexual harassment cases. A court looks at how the recipient perceived the conduct or behavior, notwithstanding the possibly "innocent" state of mind of the harasser.

Obvious examples of sexual harassment or discrimination include telling sexual or off-color jokes, unconsented touching, repeatedly asking out a person who is not interested, or making remarks disparaging of a person's gender, race, ethnicity, or sexual orientation. More subtle examples of unwelcome behavior include use of last names for all the male students and first names for all the female students; use of hypothetical situations in which the parties are stereotyped (e.g., Mary the homemaker enters into a contract with Manuel the yardman); or repeatedly calling on, interrupting, or being "harder" on only one type of student (e.g., based upon gender, race, etc.).

Moreover, while some types of behavior may not be classified as discrimination or harassment, they still may create a "chilling" learning or working environment. This could include, for example, demeaning a student's distinct style of learning or performance level. Obviously anything that demeans other people in our community ought to be avoided.

While consensual relationships between professors and teachers are not barred by any formal University policy, they are strongly discouraged. Consensual relationships

Discrimination and Sexual Harassment

clearly should be avoided entirely until the law school relationship has ended to foreclose even the appearance of impropriety.

Thank you for joining us and for your participation in the Law School's outstanding educational program. We all benefit from taking the time to consider the effect our words and actions may have on others within a close-knit community such as we enjoy at WSRSL. This policy statement is intended to be a reaffirmation of our commitment to a positive working and learning environment for all.

Should you feel someone individually or we as a community are not meeting this commitment, please discuss your concerns with me or with one of the other Deans. For sexual harassment issues, you also might contact the University's Dean of Students at the University's Student Services Center. The relevant University policies and procedures are available in the Law School Student Handbook.

Prepared by the Office of the President.
is a NEW policy.

UNIVERSITY OF HAWAII

EXECUTIVE POLICY – ADMINISTRATION January 2006

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E1.204 Sexual Assault Policy and Procedural Guidelines

I. INTRODUCTION AND POLICY STATEMENT

The University of Hawai'i ("University") is committed to creating a community free from violence. Sexual assault is prohibited by law and is a serious offense that violates the basic standards of behavior expected of members of the University community. The University will not tolerate acts of sexual assault. The University will take appropriate action to prevent sexual assault and will correct and discipline behavior that is found to violate this policy. This policy reflects the University's systemwide commitment to creating an environment that is free from harassment, exploitation, intimidation or assault.

II. OBJECTIVE

The purpose of this policy is to provide an understanding of sexual assault, establish procedural guidelines for responding to complaints, and provide guidance for campuses regarding compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (part of the Higher Education Act of 1965), which is referred to as the "Clery Act."

III. RESPONSIBILITY

The Chancellors are charged with the responsibility and authority to implement this policy for their campuses.

IV. SCOPE

A. Sex Offenses

The scope of "sex offenses" covered by this policy is mandated by the Clery Act [34 CFR 668.46]. Sex offenses covered by this policy include rape, acquaintance rape, and other sexual acts directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her

Sexual Assault Policy & Procedural Guidelines

E1.204

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youth or because of his or her temporary or permanent mental or physical incapacity (including incapacity due to drugs or alcohol).

Examples of sex offenses include but are not limited to:

- Acts of sexual intercourse where such an act is accomplished against a person's consent by means of force or threat of harm to the complaining party.
- Nonconsensual intercourse by a friend or acquaintance.
- Acts of sexual fondling or other sexual assault where the person is prevented from resisting or giving consent as a result of intoxication or is unconscious at the time of the act, and this fact is known or reasonably should be known to the person committing the act.
- Acts of sexual intercourse where the person is incapable of giving consent because of his or her youth; or where the victim is incapable of giving legal consent because of mental, developmental, or physical disability, and this fact is known or reasonably should be known to the person committing the act.

B. Related Policies

1. Sexual Harassment Policy

UH Executive Policy E1.203 – *Policy on Sexual Harassment and Related Conduct* is the systemwide policy prohibiting sexual harassment within the University. The policy prohibits conduct that may involve sexual assault. Accordingly, victims of sexual assault who wish to file an administrative complaint with the University have the option of using campus procedures for sexual assault or procedures for sexual harassment.

2. Workplace Nonviolence Policy

UH Executive Policy E9.210 – *Workplace Non-violence* is the systemwide policy prohibiting violence in the workplace. The policy affirms the University's commitment to maintaining a safe and secure environment for students, employees, visitors, and other members of the University community. Victims of sexual assault who wish to file an administrative complaint with the University have the option of using campus procedures for sexual assault or procedures for workplace nonviolence.

E1.204

C. Clery Act Reporting

Cases of sexual assault will be reported in accordance with the Clery Act [34 CFR 668.46] and the Federal Bureau of Investigation's Uniform Crime Reporting Program definitions and classifications of sex offenses.

V. PROCEDURAL GUIDELINESA. Prevention

Chancellors or their designees are charged with implementing education programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses. Education and information should be available through multiple sources. Examples include: campus security, new student and new employee orientations, campus women's centers, residence halls, and campus health and counseling services.

B. Guidelines for campus procedures

Chancellors or their designees must implement procedures for their respective campuses for responding to reports of sexual assault. Chancellors shall use this Executive policy and procedure as a guide to develop a similar protocol tailored to the organizational structure of their respective campus. Such a protocol must contain certain elements in accordance with the Clery Act:

1. Procedures concerning whom to contact, the importance of preserving evidence, and to whom the alleged offense should be reported
2. Victim's option and right to notify law enforcement, including on-campus and local police, and the option and right to be assisted by campus authorities, if the person so chooses
3. Information regarding on- and off-campus counseling, mental health, and other student services for victims of sex offenses
4. Notice to students regarding the options to change the victim's academic and living situations after an alleged sex offense, if requested and reasonably available
5. On-campus procedures for disciplinary action in cases of alleged sexual offenses. Both the accuser and accused must be notified of:

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- a) the opportunity to have a representative or support person present during an on-campus disciplinary proceeding
 - b) the outcomes of any on-campus disciplinary proceeding (in a manner consistent with Chapter 92F HRS)
6. Notice of possible sanctions that may be imposed following a final determination of an on-campus disciplinary procedure relating to sexual assault offenses.

C. Protocol

The University's first responsibility in responding to reports of sexual assault is attending to the needs of the person(s) affected by the offense (e.g., the individual who reports being sexually assaulted, roommates, and/or family members). All reports of sexual assault are taken with utmost seriousness, and the student or employee will be referred to appropriate persons or units for assistance.

In the event a member of the University community reports being sexually assaulted, the following steps should be taken:

1. Seek medical treatment

Any person who reports being sexually assaulted is urged to seek medical treatment for injuries, sexually transmitted diseases, and possible pregnancy from the campus's student health service or at the emergency room of any local hospital.

A forensic medical exam to preserve evidence of an assault can be performed within 72 hours of a sexual assault by a certified agency. Victims of sexual assault should be informed that they have the option of undergoing an exam even if, at the time of the exam, they are not certain they will formally report the assault. To preserve as much evidence as possible, victims should not perform any personal hygiene until the exam is done.

2. Report incidents of sexual assault to law enforcement officials

- a) Any member of the University community who is sexually assaulted is encouraged, and has the option and right, to report the incident to local police and/or with Campus Security. Campus Security will inform individuals of their options to notify proper law enforcement authorities,

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including local police, and the option to be assisted by Campus Security in notifying such authorities, if the individual so chooses.

- b) Persons who report being sexually assaulted may contact their campus Dean/Vice Chancellor of Students or Equal Employment Opportunity/Affirmative Action ("EEO/AA") Officer. These offices will inform individuals of their options and rights to notify local police or Campus Security and the option and right to be assisted by campus personnel in notifying such authorities, if the individual so chooses. They can also provide referrals to on- and off-campus resources such as campus women's centers, campus counselors, and off-campus sex abuse treatment centers.

Incidents reported to the University under this policy will be addressed promptly. The University has the right to proceed with an investigation of the complaint at any time. University proceedings need not await the disposition of any related criminal investigation or prosecution.

- 3. Students may use on-campus procedures and file complaints with the Dean/Vice Chancellor of Students or other designated Complaint Officer. Students may file formal complaints of sexual assault with the campus Dean/Vice Chancellor of Students or designated Complaint Officer. The Dean/Vice Chancellor of Students or designated Complaint Officer is responsible for ensuring that the complaint is investigated promptly.

Appropriate predecisional relief may be granted the victim in changing academic, student employment, or campus residence situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

- a) Both the complainant and the individual charged with sexual assault are entitled to have a representative or observer present during an on-campus student disciplinary proceeding.
- b) The individual charged with sexual assault is entitled to due process and will be given an opportunity to respond to the allegations.
- c) Both the complainant and the individual charged will be informed of the outcome of any on-campus student disciplinary proceeding brought alleging a sexual assault.

- 4. Employees may use on-campus procedures and file complaints with the EEO/AA Officer or other designated Complaint Officer.

Employees may file formal sexual assault complaints with the campus EEO/AA Officer or designated Complaint Officer. The EEO/AA Officer or designee is responsible for investigating the complaint.

Appropriate predecisional relief may be granted the victim in changing the employment situation after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

- a) Both the complainant and the individual charged with sexual assault are entitled to representation throughout the process.
- b) The individual charged with sexual assault is entitled to due process and will be given an opportunity to respond to the allegations.
- c) Both the complainant and the individual charged will be informed of the decision maker's determination. Information regarding the outcome will be handled according to applicable policies and collective bargaining agreements.

D. Confidentiality

Efforts to maintain confidentiality will be exercised to the greatest extent possible; however, appropriate members of the University community will be informed that an incident of sexual assault has been reported. Certain information may need to be disclosed to appropriate administrators, the respondent, and witnesses in order to conduct the investigation. Information may also be disclosed if required by law, rule, regulation, or by order of the court or arbitrator pursuant to the appropriate collective bargaining agreement.

VI. RIGHT TO ALTERNATIVE PROCEDURES

It is the right of any individual to pursue other avenues of recourse which may include initiating civil action or seeking redress under state criminal statutes (e.g., the Hawai'i Penal Code, Chapter 707, Part V. Sexual Offenses, §707-730 to 707-733) and/or federal law. These avenues of complaint may be pursued concurrently without jeopardizing an individual's right to use on-campus complaint procedures, including student judicial and disciplinary procedures.

VII. VICTIM ASSISTANCE AND SUPPORT

The Chancellors or their designees are charged with identifying and developing a protocol for on-campus units to provide assistance and support to victims of sexual assault. Each campus shall also develop and make available a list of appropriate off-campus resources for sexual assault victims.

VIII. SANCTIONS

Sanctions may be imposed, in accordance with applicable conduct codes, policies and procedures, collective bargaining agreements or other provisions, against any individual who is found to have violated this policy. Possible sanctions include, but are not limited to, suspension or dismissal from campus for students, suspension or termination from employment for excluded employees, and disciplinary actions pursuant to collective bargaining agreement provisions for included employees.

IX. NONRETALIATION POLICY

The University prohibits and will not tolerate retaliation against persons who report sexual assault or otherwise exercise their rights under this policy. Retaliation is a separate complaint and will be investigated accordingly. The right of individuals to use lawful means to defend themselves against charges of sexual assault is not abridged by this policy. Such a right and the prohibition against retaliation are not mutually exclusive.

X. POLICY DISSEMINATION

The Chancellors or their designees shall be responsible for distributing this policy and making it accessible to students and employees.

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William S. Richardson School of Law Non-Discrimination Policy for Career Services

All employers wishing to participate in the on-campus interview (OCI) program and/or on-campus recruiting must sign an acknowledgment form indicating they have read and will adhere to the non-discrimination policy of University of Hawai'i, William S. Richardson School of Law. The School of Law non-discrimination policy statement is as follows:

The School of Law asks that all employers be familiar with fair employment and interview practices and that they refrain from making any illegal inquiries. In addition, *the School of Law opposes, in the strongest terms, discrimination on the basis of race, color or national origin, gender, age, religion, physical disability, marital, parental or veteran status and sexual orientation.* Employers who recruit on campus and utilize the placement services are expected to share this viewpoint and to act accordingly.

PLEASE BE AWARE THAT MILITARY EMPLOYMENT POLICIES DISCRIMINATE ON THE BASIS OF SEXUAL ORIENTATION, AGE, AND PHYSICAL ABILITY. THE WILLIAM S. RICHARDSON SCHOOL OF LAW IS REQUIRED BY LAW AND BY THE CENTRAL UNIVERSITY ADMINISTRATION TO ALLOW MILITARY EMPLOYERS EQUAL ACCESS TO CAMPUS RECRUITING OPPORTUNITIES, DESPITE MILITARY POLICIES WHICH VIOLATE OUR LAW SCHOOL'S NON-DISCRIMINATION POLICY. IN ADDITION, THE MILITARY MUST ADHERE TO ALL OTHER RECRUITMENT POLICIES OF THE LAW SCHOOL.

You should be aware that in allowing military employers to recruit on campus, the law school is complying with the mandate of The Solomon Amendment that is a part of the National Defense Authorization Act of 1995. The Solomon Amendment stipulates that Federal funds, such as student aid, will be denied to any school that prevents the military from recruiting on its campus.

8/14/2006

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William S. Richardson School of Law Amelioration Statement for Career Services

The William S. Richardson School of Law is committed to promoting equal employment opportunity. Therefore, the School of Law takes several steps to ameliorate military recruitment efforts on our campus:

- (1) The law school non-discrimination policy and amelioration statement is prominently posted in several locations within the law school and clearly displayed during on-campus interview sign-up periods for the fall and spring On-Campus Interview (OCI) programs;
- (2) All employers recruiting on-campus must sign a non-discrimination acknowledgment statement indicating notice and compliance with the law school's non-discrimination policy;
- (3) Students intending to participate in on-campus recruiting programs are required to attend a mandatory on-campus interview orientation and receive a packet of information including: (a) copies of the law school's non-discrimination policy and amelioration statement; (b) NALP's Fair and Effective Interviewing brochure; (c) copy of a chart of appropriate and inappropriate interview questions prepared by the Hawai'i Civil Rights Commission (HCRC);
- (4) During the mandatory OCI orientations, students are strongly encouraged to review employer non-discrimination policies;
- (5) Students are strongly encouraged to attend an informal discussion regarding discrimination in recruiting conducted prior to on-campus military recruiting efforts;
- (6) OCI employers also receive a copy of the HCRC chart in their OCI information packets; and
- (7) If an agency chooses not to sign the School of Law acknowledgment form, a written notice is placed in the employer file to alert students.

Through assorted workshop programs and the OCI program, students are instructed to inform the Associate Dean of Student Services and/or Director of Career Services of interview questions which they interpreted as discriminatory or inappropriate. In addition, any student who wants to discuss this matter is encouraged to speak with the Associate Dean of Student Services and/or Director of Career Services.

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**WILLIAM S. RICHARDSON SCHOOL OF LAW
LAW STUDENT PUBLIC SERVICE (PRO BONO) PROGRAM**

Introduction

In 1992 the William S. Richardson School of Law adopted a Law Student Public Service graduation requirement. The class of 1995 was the first graduating class obliged to fulfill the requirement. The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students. The program allows law students to address unmet legal needs in the community while enriching their legal education. The preparation of lawyers who recognize the importance of their public service obligations is an important objective of the William S. Richardson School of Law.

The Pro Bono Program at the William S. Richardson School of Law was one of the first ten mandatory law school programs in the nation and is thought to be the first student-initiated mandatory program. In April 1991, a student organization, Advocates for Public Interest Law, presented a formal proposal to the faculty. Refinements of the initial proposal occurred over the next year following discussions with the faculty, the bar and law students. Recognizing both the long tradition in the legal profession to serve the underprivileged and to ensure legal access for all as well as a national movement in its infancy toward mandatory pro bono service in the legal profession, the student leaders wanted the law school to foster in all law students a life-time professional commitment to public legal service by creating a pro bono graduation requirement.

Students are required to locate and to provide pro bono legal services under the supervision of an attorney or other supervisor, as approved by the Pro Bono Program Administrator. The definition of *pro bono* is construed liberally and includes government service with any federal, state, or local government agency, court or legislature. Law students are encouraged to provide a portion of their pro bono service for indigent clients. The pro bono work is meant to be legal in nature, not clerical or administrative. Additionally, a component that encourages the student to discuss and evaluate his or her experience is built into the program.

Successful completion of the pro bono service requirement is a condition for graduation. The pro bono requirement began with the entering class of August 1992. All law school admittees are given notice of the pro bono graduation requirement when acceptance letters are sent to them.

Pro Bono Program

Pro Bono Program Contact Information

Amy Wiecking
Pro Bono Program Administrator
University of Hawai'i at Manoa
William S. Richardson School of Law
2515 Dole Street
Honolulu, Hawai'i 96822
Tel: (808) 956-7966 Fax: (808) 956-3813
Email: probono@hawaii.edu Web Page <http://www.hawaii.edu/law/probono.html>

Pro Bono Program Guidelines

1. Except for transfer students, law students who enroll in the William S. Richardson School of Law must complete 60 hours of pro bono service as a graduation requirement. Transfer students must complete a total of 10 hours of pro bono service for every semester enrolled in the William S. Richardson School of Law.
2. Students are required to file a petition to the faculty to request any extension of program deadlines, based on extraordinary circumstances. Due to past student abuses, law students are solely responsible for locating pro bono work and qualified supervisors and for the timely submission of required documentation, including registration forms, time sheets, student evaluations and supervisor evaluations. Students are required to maintain their own copies of all paperwork submitted. The deadline for graduating students for completion of their pro bono requirements, including submission of all required documentation, is the last scheduled day of classes of the semester of graduation.
3. Except for certain restrictions on the first year law student and Ulu Lehua student pro bono activity, the 60-hour requirement may be fulfilled during one or more semesters and during the winter, spring, and summer recesses. First year law students may only perform approved pro bono service starting with the winter recess of their first year after completion of examinations for the first semester. Ulu Lehua students are authorized to perform up to 12 hours pro bono service during the spring semester and up to 20 hours during the summer recess, and only with the pre-approval of the Ulu Lehua Program Director.
4. The 60-hour pro bono work requirement may be fulfilled with one or more approved agencies, individuals, organizations, or projects. Students are encouraged to perform at least 20 hours of pro bono service with an organization receiving funding from the State of Hawai'i Judiciary's Indigent Legal Assistance Fund or with an attorney or organization providing similar legal services to indigent clients in Hawai'i or in another jurisdiction.
5. Pro bono work must be approved by the Pro Bono Program Administrator. To confirm that the placement will be approved, students are encouraged to seek

Pro Bono Program

approval in advance of commencement of their pro bono work. For Ulu Lehua students, pro bono work must be approved in advance by the Ulu Lehua Director prior to submission to the Pro Bono Administrator. Students are required to maintain their own copies of all paperwork submitted.

Pro Bono Work Criteria

1. Pro bono work must conform to the following definitions of public interest legal service:

- a. Indigent Legal Assistance--Poverty Law: Legal services in civil and criminal matters of importance to a client who does not have the financial resources to compensate counsel, including legal services with state and federal public defenders offices;

Legal services provided to organizations receiving funding from the State of Hawai'i Judiciary's Indigent Legal Assistance Fund (ILAF) meet this definition. Examples of ILAF providers are: Domestic Violence Clearinghouse and Legal Hotline, Hawai'i Disability Rights Center, Kokua Legal Services, Inc., Legal Aid Society of Hawai'i, Na Loio Immigrant Rights and Public Interest Legal Center, Native Hawaiian Legal Corporation, Senior's Law Program (Kaua'i), University of Hawai'i Elder Law Program, Volunteer Legal Services Hawai'i.

- b. Civil Rights Law: Legal representation involving important interests belonging to every citizen;
- c. Public Rights Law: Legal representation involving an important right belonging to a significant segment of the public;
- d. Non-Profit/Public Interest Organization Representation: Legal service to charitable, religious, civic, and educational institutions in matters in furtherance of their organizational purpose.
- e. Government Legal Services: Legal service in the executive, legislative, or judicial branches of government.
- f. Administration of Justice: Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;
- g. Environmental Law: Legal representation of environmental organizations dedicated to the protection, preservation, and wise use of the environment;
- h. Native Rights Law: Rights that emanate from the status of native people including Hawaiians as an aboriginal people and from the political status of the Hawaiian Kingdom prior to 1893.

Pro Bono Program

2. Pro bono work must be uncompensated and must not be work done in fulfillment of a requirement for academic credit and must be work for which the supervisor does not charge a fee, or charges a substantially reduced fee or is working on behalf of a non-profit, public interest, or governmental organization.
3. Pro bono work must involve legal service approved by the Pro Bono Program Administrator.
4. Pro bono work must be supervised by an attorney, a law school faculty member, or other qualified supervisor as may be approved in advance by the Pro Bono Program Administrator. Law students are not authorized to act as supervisors.

Pro Bono Program Administrator

1. The Dean of the Law School designates a faculty or staff member to serve as the Law School Pro Bono Program Administrator.
2. The Pro Bono Program Administrator:
 - a. Supervises pro bono program staff and volunteers and provides guidance and assistance to law students concerning questions about and/or problems with the Pro Bono Program.
 - b. Maintains a list of agencies, individuals, organizations, and projects that qualify for placement under the pro bono criteria.
 - c. Is the approval authority for law student pro bono work that satisfies the pro bono criteria. Note that only the faculty may grant extensions to the pro bono service completion deadline for graduation. Such extensions are only granted for extraordinary circumstances upon petition by the student to the faculty.
 - d. Maintains records of the progress of each law student and submits pro bono completion notices to the Associate Dean for Student Services.
 - e. Posts information about the Pro Bono Program and possible pro bono opportunities to the student bulletin board or by other means.

Pro Bono Program Committee

1. The Dean of the Law School appoints at least three persons from the law school community to serve on the Law School Pro Bono Program Committee. One of the members is the Pro Bono Program Administrator.

Pro Bono Program

2. The Pro Bono Program Committee:

- a. Rules upon law student appeals concerning law student proposals for pro bono work projects or concerning credit for service provided;
- b. Make general policy decisions to assist the efficient administration of the program;
- c. Amend provisions of pro bono service policies, without reducing any requirements, for the purpose of enhancing the efficient operation of the Law Student Public Service Program.

Pro Bono Program Office and Administration

The Pro Bono Program has its office in the law school Student Services office. The program record keeping system utilizes both electronic records and paper files. It is the student's individual responsibility to provide required registration forms, time sheets, and student and supervisor evaluation forms. Students are required to maintain their own copies of all paperwork submitted. Students are reminded of their obligation through their initial welcome packets, formal orientation presentations and periodically through e-mail.

Although law students are required to secure their own placements, the Administrator maintains a list of potential pro bono placements in binders of agencies for student review and post requests for services electronically to all law students. The program has been well received by the community and requests for services sometimes out-pace student supply.

Ground Rules/Professional Responsibility/Confidentiality

Students participating in the William S. Richardson School of Law Pro Bono Program are not covered by the so called "student practice rule" of the Rules of the Hawai'i State Supreme Court, thus they may not give legal advice, or make formal appearances in court or otherwise engage in the practice of law. Nevertheless, many of the students during the course of a pro bono placement work on actual cases involving real clients. Law students should be aware that, even though they are still students and not licensed attorneys, the Code of Professional Responsibility still applies because they are working under the supervision of a licensed attorney. Hawai'i's Rule of Professional Conduct 1.6 expressly states that a lawyer and those working for the lawyer may not reveal information relating to representation of a client unless the client consents or the disclosure is otherwise permitted. Finally, law students are warned that an attorney violating this rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

Pro Bono Program

Outcomes and Experiences

The Pro Bono requirement includes an obligation that students and supervisors complete registration, time sheet and evaluation forms. Accordingly, the nature of the supervising agency and scope of work, the number of hours of service performed, and other evaluation data are collected and analyzed.

Among the non-profit legal services agencies served have been the Legal Aid Society, Volunteer Legal Services Hawai'i, Domestic Violence Clearinghouse and Legal Hotline, Native Hawaiian Legal Corporation, an Immigration Law Project, and the University of Hawai'i Elder Law Program as well as other law related organizations such as American Civil Liberties Union. Law students served in both Hawai'i and federal courts. Law students provided services under the supervision of attorneys in various county, state and federal departments and agencies including the 8485 City and County of Honolulu Corporation Counsel, Office of Hawaiian Affairs, the Hawai'i Department of the Attorney General, the U.S. Attorney's Office, the Hawai'i Civil Rights Commission, and the Equal Employment Opportunities Commission. Students also provided pro bono services in several mainland states, U.S. Territories, and several foreign countries such as China, Thailand, Cambodia, Japan, and Scotland. Finally they provided extensive services under the supervision of private practice attorneys and law school professors who were engaged in pro bono service projects.

Since the inception of the program, law students have provided an average of approximately 75 hours of service each. Some have completed exactly 60 hours and several have provided over 300 hours of legal services to various organizations and agencies. In recent years, with a graduating class of approximately 85 students this equates to over 6,000 hours of pro bono legal services per year. Accordingly, over the initial ten-year life of the program, we have exceeded 50,000 hours of pro bono services provided by law students as a result of the program. The William S. Richardson School of Law has garnered substantial recognition, respect and appreciation from the community as a result of this innovative program. The faculty, in adopting a pro bono graduation requirement as well as enforcing its guidelines, has acknowledged a long-term commitment to the program as well as to the ideal.

Required Forms/Reports

These are forms currently being used in the Pro Bono Program. Forms are available in electronic format at www.hawaii.edu/law/probono.html.

Students are required to maintain their own copies of all paperwork submitted.

Pro Bono Program

To open, right click on link. These forms are Microsoft Word documents.

FORM	WHEN NEEDED
Letter to Supervisor: Information to potential supervisor; understanding of supervisor of Pro Bono Program ground rules.	To be submitted to potential supervisor along with registration form.
Registration Form: Basic information about proposed work; agreement of supervising attorney and student; Pro Bono Program Administrator approval	Before starting new pro bono work.
Time Sheet: Records hours of service and types of work done. Requires signature of supervising attorney and approval by Pro Bono Program Administrator.	Whenever significant service is finished. Separate time sheets must be kept for each agency the student serves.
Student's Evaluation: of pro bono experience	Upon completion of service for a given agency/supervisor.
Supervisor's Evaluation: of pro bono experience	Upon completion of service for a given agency/supervisor.
Student Petition to Faculty (No specific format but must be based on extraordinary circumstances)	To request an extension of the deadline to complete pro bono service as well as to submit all required pro bono paperwork.

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EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

The University of Hawai'i at Manoa is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, arrest and court record, sexual orientation, and veteran status. This policy covers admission and access to, and participation, treatment and employment in the University's programs, activities and services. For more information on equal opportunity and affirmative action policies and compliant procedures, contact:

Students: Alan Yang, Associate Vice Chancellor for Students, 956-3290 (V/T)

Employees: Mie Watanabe, EEO/AA Director, 956-6423 (V/T)

Students with Disabilities: Ann Ito, KOKUA Program Director, 956-7511 (V/T)

ON-LINE EEO/AA RESOURCES

UNIVERSITY OF HAWAII'I

Website Address: <http://www.hawaii.edu>

UH Systemwide Executive Policies

- E1.202: University Statement of Nondiscrimination and Affirmative Action
<http://www.hawaii.edu/svpa/ep/e1/e1202.pdf>
- E1.203: Policy on Sexual Harassment and Related Conduct
<http://www.hawaii.edu/svpa/ep/e1/e1203.pdf>

UH Systemwide Administrative Procedures

- A9.900: ADA Complaint Procedure for Members of the Public Who Have Complaints Regarding Disability Access to University Services, Programs, and Activities
<http://www.hawaii.edu/svpa/apm/pers/a9900.pdf>
- A9.920: Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission
<http://www.hawaii.edu/svpa/apm/pers/a9920.pdf>

Accessibility to Electronic Information for People with Disabilities

- UHM Accessibility Home Page
<http://www.hawaii.edu/access>

Veteran Affairs

- Manoa Campus
<http://www.hawaii.edu.admrec/veteran.html>

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UNIVERSITY SERVICES

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Counseling and Student Development Center

A staff of psychologists, psychiatrists, psychometrists, and interns provides educational, vocational, and personal counseling to students. Various aptitude, interest, and other psychological tests are used as aids in counseling. The center also administers national aptitude and achievement examinations and maintains an educational and vocational library. Services are free for enrolled students. CSDC is located at the Queen Lili'uokalani Center for Student Services, Room 312, 2600 Campus Road, Honolulu, Hawai'i 96822. CSDC may also be contacted by phone at 808-956-7927.

Food Services

Complete food service facilities, including a cafeteria, snack bar, and specially catered party and banquet facilities are available in the Campus Center. Other food service facilities are located around the Manoa campus and offer plate lunches, sandwiches, and snacks. Food vending machines throughout the campus provide 24-hour service.

Services to Disabled Students

The University of Hawai'i prohibits discrimination on the basis of handicap and assures qualified disabled students access to all programs of the university. The KOKUA Office offers students with physical impairments assistance in such areas as registration, classroom accommodations, transcribing services, and intra-campus transportation. The KOKUA Office is located at Queen Lili'uokalani Center for Student Services, Room 013, 2600 Campus Road, Honolulu, Hawai'i 96822. The KOKUA office may also be reached by calling 808-956-7612 or e-mailing Director Ann Ito at aito@hawaii.edu.

Child Care Center

The University of Hawai'i at Manoa Children's Center was established to fill a need for quality on-campus child care for faculty, students and staff. Children from two to five years old are accommodated at a facility adjacent to the College of Education. Information and application materials can be obtained by writing to The UHM Children's Center, 2320 Dole Street, Honolulu, Hawai'i 96822, e-mail, uhmcc@hawaii.edu or by calling 808-956-7963.

Learning Assistance Center

The learning assistance staff offers students individual assistance and group sessions in developing more effective study habits and learning skills. The Learning Assistance Center is located at Queen Lili'uokalani Center for Student Services, Room 306, 2600 Campus Road, Honolulu, Hawai'i 96822. LAC may also be reached by phone at 808-956-6114.

University Services

International Student Services Office (ISS)

ISS gives general assistance to students and scholars from other countries. It assists with immigration requirements, financial problems, living arrangements and other university and community matters. The office also advises American students who seek opportunities for overseas study, service and travel. The ISS Office is located at the

Queen Lili'uokalani Center for Student Services, Room 206, 2600 Campus Road, Honolulu, Hawai'i 96822. The ISS Office may also be reached by e-mailing issmanoa@hawaii.edu or calling 808-956-8613.

Housing

The university has very limited housing facilities for professional students. Information may be obtained by writing to the Director of Student Housing at Johnson Hall A Basement, 2555 Dole Street, Honolulu, Hawai'i 96822 or by calling 808-956 8177. The Off-Campus Housing Office is also available to help locate accommodations near the campus. Contact them by writing to the OCH office at 255 Dole Street, Johnson Hall B Basement, Honolulu, Hawai'i 96822, calling 808-956-8177, or e-mailing och@hawaii.edu.

University Health Services

The University of Hawai'i at Manoa's University Health Services staff administers general medical care at their walk-in medical clinic. UHS has also established specialty clinics, including sports medicine, travel medicine, dermatology, nutrition, therapeutic massage, nutrition, orthopedics, and HIV testing. The UHS Women's Health Clinic provides physical exams, STD testing and treatment, birth control, and pregnancy testing and referrals. Prescription and over-the-counter medications are available at a reasonable cost at the UHS pharmacy. UHS is located at 1710 East-West Road, Honolulu, Hawai'i 96822 and may be contacted by phone at 808-956-8965.

Month

Year

Notes:

William S. Richardson School of Law
University of Hawai'i at Mānoa
2515 Dole Street
Honolulu, Hawai'i 96822

www.hawaii.edu/law
email: lawadm@hawaii.edu
(808) 956-7966